I. S. Shaik,
Assistant Secretary (S. R. D.)

SL NO 102
DPAR (Int)

SL NO. 102
DPAR (Int)

Government of Bombay
Legal Department

The Bombay Code

Volume I
(PART II)

Containing

The Bombay Regulations in force in Bombay from 1827 to 1831; the Local Acts of the Governor General in Council in force in Bombay from 1835 to 1894; the Unrepealed Acts of the Governor of Bombay in Council in force in Bombay from 1862 to 1920; and a Chronological Table of Acts with an Index

SIXTH EDITION
REPRINT
1956
G.PZ.-P.POONA.

[Price—Rs. 25 for the set of two volumes]

BOMBAY
PRINTED AT THE GOVERNMENT CENTRAL PRESS
1949
Obtainable from the Superintendent, Government Printing and Stationery,
Bombay, or through the High Commissioner for India,
India House, Aldwych, London, W.C. 2

The Khoti Settlement Act, 1880 (Bom. 1 of 1880), at pages 543–562 has been repealed by the Bombay Khoti Abolition Act, 1949 (Bom. 6 of 1950), section 17, Schedule.

THE BOMBAY LANDING AND WHARFAGE FEES ACT, 1882.

CONTENTS.

PREAMBLE.

Sections.

1. Short title.

2. Local extent.

3. Repeal of Bombay Act III of 1879.

4. "Government," "Landing-place" and "Passengers" defined.

5. Government to fix limits of bandars, etc., and the fees to be levied.

6. Powers and duties under this Act by whom to be exercised and performed.

7. Powers, privileges and liabilities of officers who collect fees. Punishment of offenders.

8. Tables of fees to be posted up.

9. Power to make bye-laws.

10. Fees realised under this Act how to be expended.

11. Receipt, expenditure and account of landing and wharfage fees.

12. Grouping of ports.

BOMBAY ACT No. VII OF 1882.[1]

[THE BOMBAY LANDING AND WHARFAGE FEES ACT, 1882.]

[*18th November 1882.*]

Repealed in part and amended, by Act 16 of 1895 ;
Amended, by Bom. Acts 5 of 1916 and 2 of 1919.
Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to provide for the levy of fees for the use of Public Landing-places.

Preamble.

WHEREAS it is expedient to provide for the levy of fees for the use of public landing-places in certain ports in the Bombay Presidency; It is hereby enacted as follows :—

Short title.

1. This Act shall be called the Bombay Landing and Wharfage Fees Act, 1882.

Local extent.

2. [2][It shall extend to any ports] in the Presidency of Bombay to which [3][Government] may from time to time, by notification in the [4][Official Gazette], extend the Act.

Repeal of Bombay Act III of 1879.

3. Bombay Act III of 1879 is hereby repealed, and all fees levied and every declaration, appointment, or rule made under that Act shall be deemed to have been levied and made under this Act.

"Government," "Landing-place" and "Passengers" defined.

4. In this Act [5][the term "Government" in relation to a major port means the Central Government, and save as aforesaid means the Provincial Government]; the [6]term "landing-place" includes a bandar, wharf, pier, jetty, hard and any place used for the landing, shipping, or storage of goods, or for the embarking or disembarking of passengers :

[7]* * * * * *

[8][and the term "passengers" means any person of three years of age or upwards, carried in a vessel, other than the master and crew and the owner, his family and servants.]

---

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1881, Pt. V, p. 41 ; and for Proceedings in Council, *see ibid* p. 47.

[2] These words were substituted for the words "It shall extend—(*a*) to the Ports of Karachi and Aden ; (*b*) to any other ports" by Schedule II of the Amending Act, 1895 (16 of 1895).

[3] The word "Government" was substituted for the words "the Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette* and other local Official Gazette", *ibid.*

[5] The words "the term 'Government' in relation to a major port means the Central Government, and save as aforesaid means the Provincial Government" were inserted, *ibid.*

[6] The definition of the term "landing-place" was substituted by s. 2 (*a*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[7] The definition of the term "Commissioner" was repealed by s. 2 (*b*), *ibid.*

[8] This definition was added by s. 2 (*c*), *ibid.*

Government to fix limits of bandars. etc., and the fees to be levied

5. It shall be lawful for [1][Government] from time to time by notification in the [2][Official Gazette]—

(*a*) to define the limits of any port to which this Act is made applicable when such limits have not been defined under the [3]Indian Ports Act, 1875;

(*b*) to determine what are public landing-places to which the provisions of this Act shall apply;

(*c*) to determine the limits of any such landing-place;

(*d*) to withdraw this Act from any port in which it is for the time being in force;

[4][(*e*) to fix the fees to be levied—

(1) on goods landed, shipped or stored at, and

(2) on passengers embarking or disembarking at, and

(3) on animals or vehicles bringing or removing goods to or from, or plying for hire at, and

(4) on vessels or boats approaching or lying alongside, any such landing-place:

[5][Provided that it shall be lawful for [1][Government] at any time to exempt any goods, passengers, vessel, boat, animal or vehicle wholly or partially from any fee to which the same may be liable under this section;]

[5][provided further that the fee to be levied on any passenger on each occassion of embarking or disembarking at a landing-place shall not exceed one anna].

Powers and duties under this Act by whom to be exercised and performed.

6. The levy of fees under this Act shall be made and all other powers and duties conferred and imposed by this Act or by any bye-laws made hereunder, shall be exercised and performed by such officers as [1][Government] shall from time to time direct, or by such person as [6][it] shall from time to time direct in this behalf.

Powers, privileges and liabilities of officers who collect fees.

7. The officers and persons whose duty it may be to levy fees under this Act shall have the same powers for collecting and enforcing payment of the same as are exercisable under the provisions of any law, for the time being in force, in respect of duties of sea-customs by the Collector of Customs and his subordinates, and shall have the same privileges and be subject to the same liabilities in respect of anything done by them in collecting and enforcing payment of the said fees as the said Collector of Customs and his subordinates have, or are liable to, under the provisions of any such law.

Punishment of offenders.

The law for the time being in force for the punishment of offences relating to the levy or payment of duties of sea-customs, and for the reward of informers, shall, as far as may be, apply to similar offences committed in respect of the said fees.

---

[1] The word "Government" was substituted for the words "the Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette* and other local Official Gazette", *ibid.*

[3] *See* now the Indian Ports Act, 1908 (15 of 1908).

[4] Clause (*e*) was substituted by s. 3 (*1*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916)

[5] This and the succeeding proviso were substituted for the original proviso by s. 3 (*2*), *ibid.*

[6] The word "it" was substituted for the word "he", *ibid.*

[1][In particular and without prejudice to the generality of the provisions of the foregoing paragraph, the penalty prescribed in the third column of article I of section 167 of the Sea Customs Act, 1878, shall be leviable in respect of the contravention of any bye-law made under this Act.] VIII of 1878.

Tables of fees to be posted up.

8. Tables of the fees leviable under this Act shall be posted up in some conspicuous position at every landing-place at which such fees are leviable, in English and the Vernacular language of the district, province, or territory in which the port is situate.

Power to make bye-laws.

9. [2][The] [3][Chief Customs-authority] may, with the previous sanction of Government, from time to time make, and from time to time alter or repeal, bye-laws not inconsistent with the provisions of this Act:

(*a*) regulating the use of every landing-place to which this Act applies;

(*b*) providing for the management of the traffic over, on or about and to and from every such landing-place;

[4][(*c*) regulating the collection and remittance of the fees leviable under all or any of the provisions of this Act; and]

[5][(*d*)] generally for the guidance of all persons in matters connected with the enforcement of this Act.

The bye-laws so made, and every alteration of the same and every order repealing the same or any portion thereof, shall be published in the [6][Official Gazette].

Fees realized under this Act how to be expended.

[7][10. [8][In any port to which this Act applies expenditure incurred under any of the following heads shall be deemed for the purposes of the next succeeding section to be expenditure under this Act for the port, that is to say, expenditure—]

(*a*) in payment of the expenses of the administration of this Act;

(*b*) in defraying the cost of acquiring or constructing new landing-places required for the convenience of the traffic or trade of such port;

(*c*) in maintaining and improving any existing landing-place and in constructing, maintaining or providing waiting rooms and other conveniences or facilities for passengers, and generally in the improvement of such port; and

(*d*) in payment of the charges connected with the establishing, maintaining and working of telegraphs and telephones between any such ports.]

---

[1] This paragraph was inserted by s. 4 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[2] This word was inserted by s. 2 of 1st Sch. of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[3] These words were substituted for the words " The Commissioner may, within the district, province or territory under his charge, and, in respect of any other port or ports to which the provisions of this Act may hereafter be extended, the Chief Customs authority for the Presidency of Bombay " by s. 5 (*a*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[4] Clause (*c*) was inserted by s. 5 (*b*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[5] Clause (*d*) was re-numbered by s. 5 (*c*), *ibid*.

[6] The words " Official Gazette " were substituted for the words " *Bombay Government Gazette* and other local Official Gazette " by the Adaptation of Indian Laws Order in Council.

[7] Section 10 was substituted by s. 6 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[8] These words were substituted for the words " The proceeds of all fees realized under this Act shall be expended in any port to which this Act applies— " by the Adaptation of Indian Laws Order in Council.

Receipt, expenditure and account of landing and wharfage fees.

[1][11. (*1*) For each port to which this Act applies a distinct account, to be called the landing and wharfage fees fund account, shall be kept showing, in such detail as the Chief Customs-authority prescribes, the receipts and expenditure under this Act for the port. An abstract of the account for the past financial year, in such form as the Chief Customs-authority prescribes, shall be published annually as soon after the first day of April as may be practicable.

(*2*) If an advance of money shall be made by the Government for any of the purposes of this Act, on account of any port to which this Act applies, simple interest on that advance or upon so much of it as shall remain unrepaid, at such rate as [2][Government] may determine, shall be chargeable in the landing and wharfage fees fund account of such port.

(*3*) All monies received under this Act at or on account of any port to which this Act applies shall be credited in the landing and wharfage fees fund account of the port.

(*4*) [3]* * * * * * * *.

Grouping of ports.

[4][12. [2][Government] may direct that for the purposes of sections 10 and 11 any number of ports to which this Act applies shall be regarded as constituting a single port, [5]* * * * * * *.]

---

[1] Section 11 was added by s. 7 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[2] The word " Government " was substituted for the words " the Governor in Council " by the Adaptation of Indian Laws Order in Council.

[3] Sub-section (*4*) was omitted, *ibid.*

[4] Section 12 was added by s. 7 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[5] The words " and thereupon all monies to be credited to the landing and wharfage fees fund account under section 11 shall form a common fund account which shall be available for expenditure for the sake of the several ports of the group on the objects authorized by this Act " were omitted by the Adaptation of Indian Laws Order in Council.

THE BOMBAY HIGHWAY ACT, 1883.

CONTENTS.

PREAMBLE.

Sections.

1. Short title.

2. Local extent.

3. Imposition of tax on carriages, etc., in notified area.

4. Rules to be framed for the levy of the tax.

5. The tax not leviable in a municipality or cantonment where a tax on vehicles and animals is already levied.

6. [*Repealed.*]

7. Tolls under Bombay Act III of 1875 not to be levied in local areas notified under this Act.

8. Saving provisions.

SCHEDULE.

BOMBAY ACT No. I OF 1883.[1]

[THE BOMBAY HIGHWAY ACT, 1883.]

[*10th April, 1883.*]

Repealed in part, by Bom. 3 of 1886 (as amended by Bom. I of 1891).
Amended by Act 16 of 1895.
Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to provide Funds for maintaining Provincial Roads used for local purposes.

Preamble.

WHEREAS it is expedient to provide additional funds for the construction and proper maintenanee and repair of public roads in or near stations which are chiefly used by the residents for purposes of local convenience, as, for example, for intercommunication, pleasure driving or riding, other than for military purposes or for purposes connected with agricultural operations of petty trade, dealing or industry, and which are not provided for out of imperial, municipal or cantonment funds; It is hereby enacted as follows:—

Short title.

1. This Act shall be cited as the Bombay Highway Act, 1883, and it shall come into force in the manner provided in the next following section.

Local extent.

2. This Act shall extend to the whole of the territories administered by the Bombay Government, but shall not come into force anywhere within the said territories until the [2][Provincial Government] may, by notification in the [3][Official Gazette] apply [4]the same to any local area to be specified in such notification within the said territories; and the [2][Provincial Government] may, in like manner, amend or cancel any such notification.

Imposition of tax on carriages, etc. in notified area.

3. It shall be lawful for the [2][Provincial Government], after the publication of the notification referred to in the last preceding section, [5]to levy a tax on all carriages, coaches, vans, carts, hackeries, horses or ponies in accordance with the rates specified in the Schedule [6]* * * * from all persons owning or having charge of the same, who are resident within the local area so notified:

Provided—

(*a*) that the [2][Provincial Government] may reduce, alter or modify this tax as [7][it] may deem fit, but may not increase the rates specified in the said Schedule;

---

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1882, Pt. V, p. 53; for Report of the Select Committee, see *ibid*, 1883, p. 1; and for Proceedings in Council, see *ibid*, 1882, p. 65, *ibid*, 1883, p. 8.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*". *ibid*.

[4] For notifications applying this Act to local areas in the Province, *see* Bombay Local Rules and Orders.

[5] For notifications levying taxes on vehicles, etc., *see* Bombay Local Rules and Orders.

[6] The words "annexed to this Act' were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

[7] The word "it" was substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

(*b*) that any person who may have owned or had charge of any vehicle or animal as aforesaid kept for use within such local area for a period exceeding fifteen and not exceeding thirty consecutive days shall be liable only to one-third of the tax for that quarter, and for any period of a quarter exceeding thirty consecutive days shall be liable for the whole tax of that quarter;

(*c*) that no tax shall be leviable in respect of any vehicle or animal as aforesaid which shall have been out of use for the whole period contained in any quarter on due notice in writing being given by the owner in accordance with the rules of assessment hereinafter provided for in section 4 [1]* * *.

For the purposes this section the word "resident" means and includes any person who dwells or takes up his abode in, a local area notified under this Act for a period exceeding fifteen days.

Rules to be framed for the levy of the tax.

4. It shall be lawful for the [2][Provincial Government], from time to time, to make [3]rules for the assessment and recovery of the tax referred to in the last preceding section, which shall be published in the [4][Official Gazette], and such rules may be general for all areas notified under the provisions of section 2 [1]* * * or special for any one or more such areas, according as the [2][Provincial Government] directs, and it shall be lawful for the [2][Provincial Government] at any time to amend or cancel such rules.

The tax not leviable in a municipality or cantonment where a tax on vehicles and animals is already levied.

5. Whenever in any municipality or cantonment, within any local area notified under this Act, a tax on vehicles and animals is levied within the limits of such [5][municipality] or cantonment under the authority of any law for the time being in force therein, the tax imposable under section 3 [1]* * * shall not be levied within such limits; but such contribution which, under any law for the time being in force, may be made out of the funds of any such municipality or cantonment to provincial or local funds, as shall, in the opinion of the [2][Provincial Government], be deemed a just and proper share towards meeting the expenses of maintaining provincial roads which are not provided out of such municipal or cantonment funds, but which are calculated to benefit the residents within the limits of such municipality or cantonment, may be applied in the manner prescribed for the application of the proceeds of the tax imposed under section 3 [1]* * *

6. [*Application of proceeds of the tax*] *Omitted by the Adaptation of Indian Laws Order in Council.*

Tolls under Bom. III of 1875 not to be levied in local areas notified under this Act.

7. No tolls leviable under [6]Bombay Act III of 1875 shall be levied within any local area notified under this Act.

---

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] For rules for the assessment and recovery of taxes, *see* Bombay Local Rules and Orders.

[4] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[5] This word was substituted for the word "municipalities" by the Amending Act, 1895 (16 of 1895), Second Schedule.

[6] Tolls on Roads and Bridges Act, 1875 (Bom. 3 of 1875), *supra*.

Saving provisions.

8. Nothing in this Act shall be deemed to apply to or include any vehicles or animals as aforesaid [1][belonging to the Crown], or vehicles kept for sale by *bona fide* dealers and not used for any other purpose;

or shall apply to any persons who are specially exempt from municipal taxation under any rules or law for the time being in force, or to any persons whom the [2][Provincial Government] may by an order in writing [3]exempt from the tax imposable under section 3 [4]* * *;

or shall apply to any person who earns his livelihood wholly or principally by agriculture carried on within the district within the limits of which the local area to which this Act may be applied is situated, or to any class of persons carrying on any petty trade, dealing or industry in such local area which the [2][Provincial Government] may, from time to time, by notification in the [5][Official Gazette], [6]exempt from the tax imposable under section 3 [4]* * *

SCHEDULE.

(Referred to in section 3 of this Act.)

TAX ON CARRIAGES, COACHES, VANS, CARTS, HACKERIES, HORSES AND PONIES.

1.	For every four-wheeled vehicle on springs ..	a rate not exceeding	Rs. 10	per quarter.
2.	For every two-wheeled vehicle on springs ...	ditto	,, 6	ditto.
3.	For every cart or hackery drawn by bullocks ..	ditto	,, 6	ditto.
4.	For every horse, or pony of the height of 12 hands or upwards ..	ditto	,, 5	ditto.

---

[1] The words "belonging to the Crown" were substituted for the words "belonging to the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provicial Government" were substituted for the word "Governor in Council", *ibid.*

[3] For notifications exempting persons from the tax, *see* Bombay Local Rules and Orders.

[4] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[5] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[6] For notifications exempting persons from the tax, *see* Bombay Local Rules and Orders.

[1][In particular and without prejudice to the generality of the provisions of the foregoing paragraph, the penalty prescribed in the third column of article I of section 167 of the Sea Customs Act, 1878, shall be leviable in respect of the contravention of any bye-law made under this Act.]

VIII of 1878.

Tables of fees to be posted up.

8. Tables of the fees leviable under this Act shall be posted up in some conspicuous position at every landing-place at which such fees are leviable, in English and the Vernacular language of the district, province, or territory in which the port is situate.

Power to make bye-laws.

9. [2][The] [3][Chief Customs-authority] may, with the previous sanction of Government, from time to time make, and from time to time alter or repeal, bye-laws not inconsistent with the provisions of this Act:

(*a*) regulating the use of every landing-place to which this Act applies;

(*b*) providing for the management of the traffic over, on or about and to and from every such landing-place;

[4][(*c*) regulating the collection and remittance of the fees leviable under all or any of the provisions of this Act; and]

[5][(*d*)] generally for the guidance of all persons in matters connected with the enforcement of this Act.

The bye-laws so made, and every alteration of the same and every order repealing the same or any portion thereof, shall be published in the [6][Official Gazette].

Fees realized under this Act how to be expended.

[7][**10.** [8][In any port to which this Act applies expenditure incurred under any of the following heads shall be deemed for the purposes of the next succeeding section to be expenditure under this Act for the port, that is to say, expenditure—]

(*a*) in payment of the expenses of the administration of this Act;

(*b*) in defraying the cost of acquiring or constructing new landing-places required for the convenience of the traffic or trade of such port;

(*c*) in maintaining and improving any existing landing-place and in constructing, maintaining or providing waiting rooms and other conveniences or facilities for passengers, and generally in the improvement of such port; and

(*d*) in payment of the charges connected with the establishing, maintaining and working of telegraphs and telephones between any such ports.]

---

[1] This paragraph was inserted by s. 4 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[2] This word was inserted by s. 2 of 1st Sch. of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[3] These words were substituted for the words "The Commissioner may, within the district, province or territory under his charge, and, in respect of any other port or ports to which the provisions of this Act may hereafter be extended, the Chief Customs authority for the Presidency of Bombay" by s. 5 (*a*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[4] Clause (*c*) was inserted by s. 5 (*b*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[5] Clause (*d*) was re-numbered by s. 5 (*c*), *ibid*.

[6] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette* and other local Official Gazette" by the Adaptation of Indian Laws Order in Council.

[7] Section 10 was substituted by s. 6 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[8] These words were substituted for the words "The proceeds of all fees realized under this Act shall be expended in any port to which this Act applies—" by the Adaptation of Indian Laws Order in Council.

THE BOMBAY PUBLIC AUTHORITIES SEALS ACT, 1883.

CONTENTS.

Sections.

1. Short title.
2. Repeal of Bom. Act II of 1870.
3. Provincial Government empowered to prescribe the seals of certain public authorities.
4. Date on which notifications under last section shall take effect.

BOMBAY ACT No. V OF 1883.[1]

[THE BOMBAY PUBLIC AUTHORITIES SEALS ACT, 1883.]

[*5th November, 1883.*]

Repealed in part, by Act 16 of 1895.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to enable Government to prescribe the Official Seals of Sessions Judges, Magistrates and other public authorities.

WHEREAS it is expedient [2]* * * * to enable the Government to prescribe what official seals [2]* public authorities [2]* * shall have and use; It is enacted as follows:—

Short title.

1. This Act may be called the Bombay Public Authorities Seals Act, 1883.

Repeal of Bom. Act II of 1870.

2. Bombay Act II of 1870 is hereby repealed. Every notification issued under the said Act and now in force shall be deemed to have been issued under this Act.

Provincial Government empowered to prescribe the seals of certain public authorities.

3. The [3][Provincial Government], may, from time to time, by notification in the [4][*Official Gazette*], direct what official seals [5]each of the following [6]* * * public authorities shall have and use (namely):—

(1) Sessions Judges, Additional and Joint Sessions Judges and Assistant Sessions Judges;

(2) Presidency Magistrates;

(3) any other Magistrates;

(4) any other judicial officer or public authority, whose official seal is not prescribed by law and no other authority is legally competent to prescribe.

Every such notification may from time to time be modified or rescinded by the [3][Provincial Government] by a like notification.

Date on which notifications under last section shall take effect.

4. Every notification made under the last preceding section shall come into force on such date as the [3][Provincial Government] shall therein fix in this behalf.

---

[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1883, Pt. V, p. 69; and for Proceedings in Council, see *ibid*, p. 72.

[2] The words and figures "to extend the provisions of Bombay Act 2 of 1870 (*an Act to enable the Government of Bombay to prescribe the official seals of the Magistrates*), so as", the word "other" and the words "besides Magistrates" respectively were repealed by the Amending Act, 1895 (16 of 1895).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "*Official Gazette*" were substituted for the words "Bombay Government Gazette", *ibid.*

[5] For notification prescribing seals, *see* Bombay Local Rules and Orders.

[6] The words "Courts and others" were repealed by the Amending Act, 1895 (16 of 1895).

BOMBAY ACT No. V OF 1886.[1]

[THE BOMBAY HEREDITARY OFFICES (AMENDMENT) ACT, 1886.]

[*28th January, 1887.*]

Repealed in part, by Act 16 of 1895.

„ „ „ and amended locally, by Bom. 6 of 1887.

Sections 10 and 11 virtually repealed, by Bom. 3 of 1910, s. 2.

Amended, by Bom. 10 of 1923.

An Act to amend Bombay Act III of 1874.

Bom. III of 1874. WHEREAS it is expedient to amend the Bombay Hereditary Offices Act, 1874, in manner hereinafter appearing; It is enacted as follows:—

[2]1. * * * * *

Female members to be postponed. 2. Every female member of a watan family other than the widow [3][mother or paternal grand-mother] of the last male owner, and every person claiming through a female, shall be postponed in the order of succession to any watan, or part thereof, or interest therein, devolving by inheritance after the date when this Act comes into force to every male member of the family qualified to inherit such watan, or part thereof, or interest therein.

Widow's interest. The interest of a widow [3][mother or parternal grand-mother] in any watan or part thereof shall be for the term of her life or until her marriage only.

[2]3-16. * * * * *

---

[1] For the Statement of Objects and Reasons, *see Bombay Government Gazette*, 1885, Pt. V, p. 5, and *ibid*, 1886, p. 165; for Report of the Select Committee, *see ibid*, p. 31; and for Proceedings in Council, *see ibid*, p. 26, and *ibid*, 1886, pp. 94 and 178.

As to the local repeal and amendment of Bom. 5 of 1886, *see* s. 3 of the Matadars Act, 1887 (Bom. 6 of 1887), *infra*.

SHORT TITLE.—"The Bombay Hereditary Offices (Amendment) Act, 1886". *See* the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] Amendments made by section 1 and sections 3 to 16 have been incorporated in Bom. 3 of 1874.

[3] These words were inserted by Bom. 10 of 1923, s. 2.

THE PROTECTION OF PILGRIMS ACT, 1887.

CONTENTS

PREAMBLE.

Sections.

1. Short title.
   Extent.

2. Definitions :—
   "pilgrim".
   "pilgrim-broker".
   "agent".
   "the Commissioner".

3. Penalty for acting as a pilgrim-broker without a licence.

4. Persons may be licensed to act as pilgrim-brokers.

5. Licences what to specify.

6. Penalty for misbehaviour of licensed pilgrim-broker.

7. Power to suspend and cancel licences.

8 to 12B. [*Repealed.*]

13. Penalty for issue of tickets in excess.

14. Passage-tickets how to be numbered.
    Penalty for issue of tickets bearing same number.

15. Provisions of Pilgrim Ships Act, 1895, to apply to offences and penalties.

16. Penalties to be enforced only at the instance of the Commissioner.

BOMBAY ACT No. II OF 1887.[1]

[THE PROTECTION OF PILGRIMS ACT, 1887.]

[*4th June, 1887.*]

Repealed in part, by Act 14 of 1927.
,, ,, ,, ,, ,, 20 of 1932.
Amended by Bom. 5 of 1915.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
,, ,, ,, by the Adaptation of Laws Order, 1950.

An Act to provide for the protection of pilgrims at the ports of Bombay and Karachi.

Preamble.

WHEREAS it is expedient to provide for the protection of pilgrims at the ports of Bombay and Karachi; It is enacted as follows:—

Short title.

1. This Act may be cited as "The Protection of Pilgrims Act, 1887"

Extent.

It extends only to the [2][city and port of Bombay].

Definitions.

2. In this Act,—

"pilgrim"

(*1*) "pilgrim" means a Muhammadan who is about to proceed from the port of Bombay [3]* * on a pilgrimage to the Hedjaz, whether he is going direct to Jeddah, or *via* any other part:

"pilgrim-broker"

(*2*) "pilgrim-broker" means a person who buys and resells, or sells on commission, or takes any reward for the purchase or sale of passage-tickets for pilgrims:

"agent".

(*3*) "agent" includes a person who has chartered a vessel for the conveyance of pilgrims:

"the Commissioner".

[4][(*4*) "the Commissioner" means the Commissioner of Police, Bombay, or his deputy.]

Penalty for acting as a pilgrim-broker without a licence.

3. Any person who, without a licence from the Commissioner, acts as a pilgrim-broker shall be liable for each such offence to a fine which may extend to five hundred rupees.

Persons may be licensed to act as pilgrim-brokers.

4. Subject to the orders of the [5][Central Government], the Commissioner may grant to such persons as he thinks fit licences to act as pilgrim-brokers.

---

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1886, Pt. V, p. 11; for Report of the Select Committee, *see ibid*, p. 172; and for Proceedings in Council, *see ibid*, p. 89 and *ibid*, 1887, p. 15.

[2] These words were substituted for the words "cities and ports of Bombay and Karachi" by the Adaptation of Laws Order, 1950.

[3] The words "or Karachi" were omitted, *ibid*.

[4] Clause (*4*) was substituted for the original, *ibid*.

[5] The words "Central Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

The said licences shall be granted on such conditions and subject to such restrictions and limitations for the honest and good behaviour of the licensees as Government may from time to time prescribe

Licences what to specify.

5. Every licence so granted shall specify—

(*a*) the name and business-address of the licensee ;

(*b*) the period for which it is to be in force ;

(*c*) the conditions on which, and the restrictions and limitations subject to which, it is granted ;

and shall be granted on payment [1][to the Central Government] of such fee, if any, as [2][that Government] may from time to time direct :

[3][Provided that, until provision to the contrary is made by the [4][Parliament by law], all such fees shall be payable to the [5][State] Government under this section as were being lawfully taken thereunder immediately before the commencement of [6][the Constitution].]

Penalty for misbehaviour of licensed pilgrim-broker.

6. Any licensed pilgrim-broker who shall—

(*a*) commit a breach of any of the terms or conditions of his licence ;

(*b*) purchase for or sell to any pilgrim a passage-ticket by any vessel to which the provisions of the [7][[8]Pilgrim Ships Act, 1895], apply, at any time before notice has been given by the master, owner or agent of such vessel, under section [9][8] of the said Act, of the date on which it is proposed that such vessel shall sail, and unless, in the case of any vessel, the proposed date of sailing is printed on the passage-ticket ; XIV of 1895.

(*c*) charge a pilgrim more than the cost price of any passage-ticket, provisions or other articles purchased for him, or receive from him any fee or commission on account of such ticket ;

(*d*) receive from the master, owner or agent of a vessel any fee or commission in respect of the sale of any ticket, exceeding five per centum of the price of such ticket ;

(*e*) purchase for any pilgrim a passage-ticket, on which there is not printed the price charged by the master, owner or agent of the vessel for each class of accommodation ;

(*f*) by fraud or by false representation as to the size of, or accommodation on board, such vessels, or otherwise, or by any false pretence whatever, induce any person to purchase a passage-ticket ;

shall be liable for each such offence to a fine which may extend to five hundred rupees

---

[1] The words "to the Central Government" were inserted by the Adaptation of Indian Laws Order in Council.

[2] The words "that Government" were substituted for the word "Government", *ibid.*

[3] This proviso was inserted, *ibid.*

[4] These words were substituted for the words "Central Legislature" by the Adaptation of Laws Order, 1950.

[5] This word was substituted for the word "Provincial", *ibid.*

[6] These words were substituted for the portion "Part III of the Government of India Act, 1935", *ibid.*

[7] These words were substituted for the words "Native Passenger Ships Act, 1876," by s. 2 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom 5 of 1915).

[8] *See* now Act 21 of 1923.

[9] This figure was substituted for the word "seven" by s. 2 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. 5 of 1915).

7. The Commissioner may suspend the licence of any pilgrim-broker pending inquiry into any accusation against him of misconduct for which, if proved, he would be liable to a penalty under the last preceding section, and may cancel any licence granted by him if the licensee is convicted of any offence under the said section or of any criminal offence. Power to suspend and cancel licenses.

8, 9 and 10. [*Repealed by Act 20 of 1932, section 24 (1).*]

11, 12, 12A and 12B [*Repealed by Act 14 of 1927, section 4.*]

13. Any master, owner or agent of any vessel carrying pilgrims, who shall issue any passage-ticket in excess of the number allowed by the certificate granted under section [1][11 of the [2]Pilgrim Ships Act, 1895], shall for every passage-ticket so issued be liable to a fine not exceeding four times the cost price of such ticket. XIV of 1895. Penalty for issue of tickets in excess.

14. All passage-tickets shall be numbered consecutively according to the order of issue; and any master, owner or agent, who shall issue two or more tickets bearing the same number, shall be liable to a fine not exceeding one thousand rupees. Passage-tickets how to be numbered. Penalty for issue of tickets bearing same number.

15. The provisions of sections [3][51, 52 and 54 of the [2]Pilgrim Ships Act, 1895], shall apply to all offences punishable, and to all penalties leviable, under this Act. XIV of 1895. Provisions of Pilgrim Ships Act, 1895, to apply to offences and penalties.

16. The penalties to which masters and owners of vessels are made liable by this Act shall be enforced only by information laid at the instance of the Commissioner. Penalties to be enforced only at the instance of the Commissioner.

---

[1] These words and figures were substituted for the words and figures "ten of the Native Passenger Ships Act, 1876," by s. 6 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. 5 of 1915).

[2] *See* now Act 21 of 1923.

[3] These words and figures were substituted for the words and figures "thirty-nine, forty and forty-two of the Native Passenger Ships Act, 1876" by s. 7 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. 5 of 1915).

THE BOMBAY PREVENTION OF GAMBLING ACT, 1887.

CONTENTS.

PREAMBLE.

Sections.

1. Short title.
   Extent.
2. [*Repealed.*]
3. " Gaming " defined.
   " Instruments of gaming " defined.
   " Common gaming house " defined.
4. Keeping common gaming-house.
5. Gaming in common gaming-houses.
6. Entry, search etc. by Police officers in gaming-houses.
7. Presumptive proof of keeping or gaming in common gaming-house.
8. On conviction for keeping or gaming in common gaming-house, instruments of gaming may be destroyed.
9. Proof of playing for money not required for conviction.
10. Indemnification of persons concerned who are examined as witnesses.
11. Payment of portion of fine to informer.
12. Power to arrest without warrant for gaming, and setting birds and animals to fight in public streets.
    Seizure and destruction of instruments found.

12A. Power to arrest without warrant for printing, publishing or distributing any news or information.

13. Saving of games of mere skill.

SCHEDULE. [*Repealed.*]

BOMBAY ACT No. IV OF 1887.[1]

[THE BOMBAY PREVENTION OF GAMBLING ACT, 1887.]

[*5th January, 1888.*]

Repealed in part, by Act 16 of 1895.

Amended by Bom. 1 of 1890;
,, ,, ,, 1 of 1910;
,, ,, ,, 6 of 1919;
,, ,, ,, 5 of 1922;
,, ,, ,, 5 of 1926;
,, ,, ,, 14 of 1929;
,, ,, ,, 3 of 1931;
,, ,, ,, 12 of 1934;
,, ,, ,, 1 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 2 of 1941.*
,, ,, ,, 17 of 1945.†
,, ,, ,, 37 of 1947.
,, ,, ,, 60 of 1954.

An Act to consolidate and amend the law for the prevention of Gambling in the Presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the law for the prevention of gambling in the Presidency of Bombay; It is enacted as follows:— **Preamble.**

1. This Act may be cited as the Bombay Prevention of Gambling Act, 1887. **Short title.**

It extends to the City of Bombay, to the Island of Salsette, to all [2][railways and] railway station houses without the said city and island, and to all places not more than three miles distant from any part of such station houses, respectively, and all or any of its provisions may be [3]extended from time to time by the [4][[5][State] Government], by an order published in the [6][Official Gazette], to any local area in the Presidency of Bombay. **Extent.**

The [4][[5][State] Government] may from time to time, by an order published as aforesaid, cancel or vary any order made by [7][it] under this section.

---

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1887, Pt. IV, p. 12; for Report of the Select Committee, *see ibid*, p. 239; and for Proceedings in Council, *see ibid*., pp. 215 and 244.

[2] These words were inserted by Schedule I, Part II, Serial No. 13 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[3] For notification extending the Act, *see* Bombay Local Rules and Orders.

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[6] The words "Official Gazette" were substituted for the words "Bombay Government Gazette" *ibid.*

[7] The word "it" was substituted for the word "him", *ibid.*

* This Act was re-enacted by Bom. 37 of 1947, s. 2.

† This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

2. [*Repeal of enactments.*] *Rep. Act XVI of 1895.*

"Gaming" defined.

3. [1][In this Act "gaming" includes wagering or betting except wagering or betting upon a horse-race, when such wagering or betting takes place—

(*a*) on the day on which such race is to be run, and

(*b*) in an enclosure which the licensee of the race-course, on which such race is to be run, has set apart for the purpose under the terms of the licence issued under section 4 of the Bombay Race-Courses Licensing Act, 1912,[2] in respect of such race-course, and

Bom. III of 1912.

[3](*c*) between any individual in person, being present in the enclosure, on the one hand, and such licensee or other person licensed by such licensee in terms of the aforesaid licence on the other hand [4][or between any number of individuals in person] in such manner and by such contrivance as may be permitted by such licence ;

but does not include a lottery.

Any transaction by which a person in any capacity whatever employs another in any capacity whatever or engages for another in any capacity whatever to wager or bet whether with such licensee or with any other person shall be deemed to be 'gaming' : Provided, nevertheless, that such licensee may employ servants, and persons may accept service with such licensee, or wagering or betting in such manner or by such contrivance as may be permitted in such licence.] [5][The collection or soliciting of bets, receipt or distribution of winnings or prizes in money or otherwise in respect of wagering or betting or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution shall be deemed to be 'gaming'.]

"Instruments of gaming" defined.

[6][In this Act the expression "instruments of gaming" includes any article used [7][or intended to be used] as a subject or means of gaming, [8][[9]*any document used [7][or intended to be used] as a register or record or evidence of any gaming] [10][the proceeds of any gaming, and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming.]

"Common gaming-house" defined.

In this Act "common gaming-house" means a house, room or place in which [11][any] instruments of gaming are kept or used for the profit or gain of the person owning, occupying, [12][or keeping such house, room or place or of the person using such house, room or place whether he has a right to use the same or not, such profit or gain being either by way of a charge for the use of the instruments of gaming or of the house, room or place or otherwise howsoever.]]

---

[1] This definition was substituted by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922).

[2] *Infra.*

[3] Clause (*c*) was substituted for the original clause by Bom. 3 of 1931, s. 2.

[4] These words were inserted by Bom. 12 of 1934, s. 2.

[5] These word were inserted by Bom. 1 of 1936, s. 2 (*1*).

[6] This definition was inserted by s. 1 of the Act to amend the Bombay Prevention of Gambling Act 1890 (Bom. 1 of 1890).

[7] The words " or intended to be used " were inserted by Bom. 1 of 1936, s. 2 (*2*) (*i*).

[8] These words were added by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom 6 of 1919).

[9] The word " and " was omitted by Bom. 1 of 1936, s. 2 (*2*) (*ii*).

[10] These words were added, *ibid*, s. 2 (*2*) (*iii*).

[11] This word was substituted for the words " cards, dice, tables, or other " by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

[12] This portion was substituted by Bom. 2 of 1941, s. 2, read with Bom. 37 of 1947, s. 2.

4. Whoever— Keeping common gaming-house.

(*a*) [1][opens, keeps or uses any house, room or place], for the purpose of a common gaming-house,

(*b*) being the owner or occupier of any such house, room or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,

(*c*) has the care or management of, or in any manner assists in conducting the business of, any such house, room or place opened, occupied, kept or used for the purpose aforesaid,

(*d*) advances or furnishes money for the purpose of gaming with persons frequenting any such house, room or place,

[2][shall, on conviction, be punishable with imprisonment which may extend to six months and with fine :

Provided that—

(*a*) for a first offence such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees ;

(*b*) for a second offence such imprisonment shall not be less than three months and fine shall not be less than two hundred rupees ; and

(*c*) for a third or subsequent offence such imprisonment shall not be less than six months and fine shall not be less than two hundred rupees.]

5. [3][Whoever is found in any common gaming-house gaming or present for the purpose of gaming, [4][shall, on conviction, be punishable with imprisonment which may extend to six months and with fine : Gaming in common gaming-houses.

Provided that—

(*a*) for a first offence such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees ;

(*b*) for a second offence such imprisonment shall not be less than three months and fine shall not be less than two hundred rupees ; and

(*c*) for a third or subsequent offence such imprisonment shall not be less than six months and fine shall not be less than two hundred rupees.]

Any person found in any common gaming-house during any gaming [5]* * therein shall be presumed, until the contrary [6][is proved], to have been there for the purpose of gaming.

[7]6. It shall be lawful for a Police officer— Entry, search, etc., by police officers in gaming-houses.

(*i*) in [8][the Greater Bombay] not below the rank of a Sergeant or Sub-Inspector and either empowered by general order in writing or authorised in each case by special warrant issued by the Commissioner of Police, and

---

[1] These words were substituted by Bom. 2 of 1941, s. 3 read with Bom. 37 of 1947, s. 2.

[2] This portion was substitued by Bom. 37 of 1947, s. 3.

[3] This paragraph was substituted by s. 3 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom 6 of 1919).

[4] This portion was substituted by Bom. 37 of 1947, s. 4.

[5] The words "or playing", were repealed by s. 3 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919)

[6] The words "is proved" were substituted for the words "be made to appear" by Bom. I of 1936, s. 4 (3).

[7] Section 6 was substituted for the original section, *ibid.*, s. 5.

[8] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

(*ii*) elsewhere not below the rank of a Sub-Inspector of Police authorised by special warrant issued in each case [1][by a District Magistrate or Sub-Divisional Magistrate or by a Taluka Magistrate specially empowered by the State Government in this behalf or by] a District Superintendent of Police or by an Assistant or Deputy Superintendent of Police specially empowered by [2][the [3][State] Government] in this behalf,—

(*a*) to enter, with the assistance of such persons as may be found necessary, by night or by day, and by force, if necessary, any house, room or place which he has reason to suspect is used as a common gaming-house,

(*b*) to search all parts of the house, room or place which he shall have so entered, when he shall have reason to suspect that any instruments of gaming are concealed therein, and also the persons whom he shall find therein whether such persons are then actually gaming or not,

(*c*) to take into custody and bring before a Magistrate all such persons,

(*d*) to seize all things which are reasonably suspected to have been used or intended to be used for the purpose of gaming, and which are found therein :

Provided that no officer shall be authorised by special warrant unless the Commissioner of Police, the Magistrate, the District or Assistant or Deputy Superintendent of Police concerned is satisfied, upon any complaint made before him on oath and upon making such inquiry as he may think necessary, that there are good grounds to suspect the said house, room or place to be used as a common gaming-house.

Presumptive proof of keeping or gaming in common gaming-house.

[4]7. When any instrument of gaming has been seized in any house, room or place entered under section 6 or about the person of any one found therein, and in the case of any other thing so seized if the court is satisfied that the Police officer who entered such house, room or place had reasonable grounds for suspecting that the thing so seized was an instrument of gaming, the seizure of such instrument or thing shall be evidence, until the contrary is proved, that such house, room or place is used as a common gaming-house and the persons found therein were then present for the purpose of gaming, although no gaming was actually seen by the Magistrate or the Police officer or by any person acting under the authority of either of them.

On conviction for keeping or gaming in common gaming-house, instruments of gaming may be destroyed.

8. On conviction of any person for opening, keeping or using a common gaming-house, [5]* * or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein or on the persons of those who were found therein, to be forthwith destroyed [6][or forfeited],

and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and the proceeds thereof, with all moneys seized therein, to be forfeited; or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

Proof of playing for money not required for conviction.

9. It shall not be necessary, in order to convict a person of any offence against any of the provisions of sections 4 and 5, to prove that any person found [7][gaming] was playing for any money, wager or stake.

---

[1] These words were substituted for the words " by a Magistrate of the First Class or " by Bom. 60 of 1954, s. 2.

[2] The words "the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[4] Section 7 was substituted for the original section by Bom. 1 of 1936, s. 6.

[5] The words " or playing " were repealed by s. 5 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

[6] The words " or forfeited " were added by Bom. 1 of 1936, s. 7.

[7] This word was substituted for the words " playing at any game " by s. 6 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

Indemnification of persons concerned who are examined as witnesses.

10. Every person who shall have been concerned in any gaming contrary to this Act, and who shall be examined as a witness by or before a Magistrate on the trial of any charge against the owner, keeper or occupier or other person having the care or management of any common gaming-house, touching such gaming, and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Payment of portion of fine to informer.

11. The Magistrate trying any case under the provisions of sections 4 and 5 may direct any portion, not exceeding one-fourth, of any fine which may be levied under either of the said sections, or any part of the proceeds of articles or moneys seized and ordered to be forfeited under section 8, [1][to be sent in [2][the Greater Bombay] to the Commissioner of Police and elsewhere to the District Superintendent of Police for distribution as reward in such manner as he may think proper, among the persons, not being Police officers, who may have given assistance in the detection or investigation of the offence.]

Power to arrest without warrant for gaming, and setting birds and animals to fight in public streets.

12. A Police-officer may apprehend [3][and search] without warrant—

(*a*) any person found [4][gaming] [5][or reasonably suspected to be gaming] in any public street, [6][or thoroughfare, or in any place to which the public have or are permitted to have access] [7][or in any race-course];

(*b*) any person setting any birds or animals to fight in any public street, [6][or thoroughfare, or in any place to which the public have or are permitted to have access];

(*c*) any person there present aiding and abetting such public fighting of birds and animals.

Any such person shall, on conviction, be [8][punishable] with fine which may extend to [9][three hundred rupees], or with imprisonment which may extend to [1][three months] [2][and where such gaming consists of wagering or betting or of any such transaction as is referred to in the definition of gaming given in section 3, any such person so found gaming shall, on conviction, be [3][punishable] in the manner and to the extent referred to in section 4, and all moneys found with such person shall be forfeited.]

---

[1] These words were substituted for the words " to be paid to an informer " by Bom. 1 of 1936, s. 8.

[2] These words were substituted for the words " the City of Bombay " by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[3] The words " and search " were inserted by s. 9 (*1*) of Bom. 1 of 1936.

[4] This word was substituted for the words " playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game, not being a game of mere skill " by s. 7 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

[5] The words " or reasonably suspected to be gaming " were inserted by Bom. 1 of 1936, s. 9 (*2*).

[6] These words were substituted for the words " place or thoroughfare " by Schedule I, Part II, Serial No. 14 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[7] These words were added by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922).

[8] The word " punishable " was substituted for the word " punished " by Bom. 1 of 1936, s. 9 (*3*).

[9] The words " three hundred rupees " were substituted for the words " fifty rupees ", *ibid*, s. 9 (*4*).

Seizure and destruction of instruments found.

And such Police-officer may seize all birds and animals and [4][things reasonably suspected to be instruments of gaming] found in such public street, [5][thoroughfare, [6][place or race-course]] or on [7][or about] the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed, and such birds and animals to be sold and the proceeds forfeited. [8][When any thing has been found on or about any person and a court is satisfied that the Police-officer had reasonable grounds for suspecting that such thing was an instrument of gaming, such circumstance shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming.]

Power to arrest without warrant for printing, publishing or distributing any news or information.

[9]**12A.** A Police-officer may apprehend without warrant any person who prints, publishes, sells, distributes or in any manner circulates any newspaper, news-sheet or other document or any news or information with the intention of aiding or facilitating gaming.

Any such person shall, on conviction, be punishable in the manner and to the extent referred to in section 4.

And any police officer may enter and search any place for the purpose of seizing, and may seize all things reasonably suspected to be used or to be intended to be used, for the purpose of committing an offence under this section.

Saving of games of mere skill.

13. Nothing in this Act shall be held to apply to any game of mere skill wherever played.

---

[1] The words "three months" were substituted for the words "one month" by Bom. 1 of 1936, s. 9 (*5*).

[2] These words were added by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922).

[3] The word "punishable" was substituted for the word "punished" by Bom. 1 of 1936, s. 9 (*3*).

[4] These words were substituted for the words "instruments of gaming", *ibid*, 9 (*6*).

[5] These words were substituted for the words "place or thoroughfare" by Schedule I, Part II, Serial No. 14 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[6] These words were substituted for the words "or place" by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922).

[7] The words "or about" were inserted by Bom. 1 of 1936, s. 9 (*6*).

[8] This paragraph was added, *ibid*, s. 9 (*7*).

[9] Section 12A was inserted, *ibid*, s. 10.

SCHEDULE.

[ENACTMENTS REPEALED.]

Repealed by Act XVI of 1895.

THE MATADARS ACT, 1887.

CONTENTS.

PREAMBLE.

Sections.

1. Short title.
Extent
Commencement.

2. Definitions.
Expressions defined in the Bombay Land-revenue Code.

3. Modifications of Bombay Act III of 1874.

4. Construction.

Of the Register.

5. Matadars' service register what to contain.

6. Right to patel's office to appertain ordinarily to every matadar family; but exclusive right may be declared by Provincial Government to appertain to one matadar family.

7. Determination of matadars.

8. Determination of representative matadars.

9. Name of heir to be registered when a matadar dies.

10. Amendment of the register.

Of Service.

11. Duties and privileges of matadars, as such.

12. Area to which matadars' functions extend may in certain cases be reduced.

13. Number of officiators requisite for patel's office to be fixed by the Collector.

14. Right to office to vest in representative of families whose rights declared.

15. In every other case right of office to be enjoyed by matadar families in rotation.

16. Determination of order of rotation.
On failure of majority of matadars to agree, Collector to determine order by lot.
Proviso.

17. When officiator may be elected by matadars.
Failing election of officiator by matadars, right of office to vest in representative matadar.

Sections.

18. Rules for elections to be prescribed by Provincial Government.

19. Representative matadar must ordinarily officiate in person.

On refusal by one representative matadar to officiate in person, turn to enjoy right of office to pass.

Other employment when prohibited to representative matadars.

Failure to reside in village.

20. When deputy may be appointed by representative matadar.

Removal of deputy.

21. Procedure when appointment of deputy has to be made by representative matadar.

22. Appointment of deputy when to be made by Collector.

Such deputy ordinarily to be member of matadar family.

22A. Procedure where a disqualified representative matadar is not entitled to appoint a deputy.

23. Guardian may act on behalf of matadar legally incompetent.

24. Term of office of sole representative matadar, and of an elected officiator.

25. Term of office of representative matadar entitled to office on failure of election.

26. Deputies to be appointed for period of their principal's term of office.

27. No change of officiator to be permitted during last year of representative matadar's term of office.

If occasion arises for any such change, office to be deemed vacant.

28. Appointment of temporary officiators by Mamlatdar or Mahalkari

29. Officiators to retain substitutes during their absence or illness.

Of the Disqualifications for the Patel's Office.

30. What persons to be deemed disqualified for office.

Of Penalties.

31. Punishment of matadars and officiators by fine, and of officiators by suspension or removal from office.

Disabilities of representative matadar removed from office.

Forfeiture of life-interest of representative matadar in case of removal from office.

32. Liability of officiator to criminal prosecution and suspension pending inquiry and trial.

(*ii*) elsewhere not below the rank of a Sub-Inspector of Police authorised by special warrant issued in each case [1][by a District Magistrate or Sub-Divisional Magistrate or by a Taluka Magistrate specially empowered by the State Government in this behalf or by] a District Superintendent of Police or by an Assistant or Deputy Superintendent of Police specially empowered by [2][the [3][State] Government] in this behalf,—

(*a*) to enter, with the assistance of such persons as may be found necessary, by night or by day, and by force, if necessary, any house, room or place which he has reason to suspect is used as a common gaming-house,

(*b*) to search all parts of the house, room or place which he shall have so entered, when he shall have reason to suspect that any instruments of gaming are concealed therein, and also the persons whom he shall find therein whether such persons are then actually gaming or not,

(*c*) to take into custody and bring before a Magistrate all such persons,

(*d*) to seize all things which are reasonably suspected to have been used or intended to be used for the purpose of gaming, and which are found therein :

Provided that no officer shall be authorised by special warrant unless the Commissioner of Police, the Magistrate, the District or Assistant or Deputy Superintendent of Police concerned is satisfied, upon any complaint made before him on oath and upon making such inquiry as he may think necessary, that there are good grounds to suspect the said house, room or place to be used as a common gaming-house.

Presumptive proof of keeping or gaming in common gaming-house.

[4]7. When any instrument of gaming has been seized in any house, room or place entered under section 6 or about the person of any one found therein, and in the case of any other thing so seized if the court is satisfied that the Police officer who entered such house, room or place had reasonable grounds for suspecting that the thing so seized was an instrument of gaming, the seizure of such instrument or thing shall be evidence, until the contrary is proved, that such house, room or place is used as a common gaming-house and the persons found therein were then present for the purpose of gaming, although no gaming was actually seen by the Magistrate or the Police officer or by any person acting under the authority of either of them.

On conviction for keeping or gaming in common gaming-house, instruments of gaming may be destroyed.

8. On conviction of any person for opening, keeping or using a common gaming-house, [5]* * or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein or on the persons of those who were found therein, to be forthwith destroyed [6][or forfeited],

and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and the proceeds thereof, with all moneys seized therein, to be forfeited ; or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

Proof of playing for money not required for conviction.

9. It shall not be necessary, in order to convict a person of any offence against any of the provisions of sections 4 and 5, to prove that any person found [7][gaming] was playing for any money, wager or stake.

---

[1] These words were substituted for the words " by a Magistrate of the First Class or " by Bom. 60 of 1954, s. 2.

[2] The words "the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[4] Section 7 was substituted for the original section by Bom. 1 of 1936, s 6.

[5] The words " or playing " were repealed by s. 5 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

[6] The words " or forfeited " were added by Bom. 1 of 1936, s. 7.

[7] This word was substituted for the words " playing at any game " by s. 6 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

Indemnification of persons concerned who are examined as witnesses.

10. Every person who shall have been concerned in any gaming contrary to this Act, and who shall be examined as a witness by or before a Magistrate on the trial of any charge against the owner, keeper or occupier or other person having the care or management of any common gaming-house, touching such gaming, and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Payment of portion of fine to informer.

11. The Magistrate trying any case under the provisions of sections 4 and 5 may direct any portion, not exceeding one-fourth, of any fine which may be levied under either of the said sections, or any part of the proceeds of articles or moneys seized and ordered to be forfeited under section 8, [1][to be sent in [2][the Greater Bombay] to the Commissioner of Police and elsewhere to the District Superintendent of Police for distribution as reward in such manner as he may think proper, among the persons, not being Police officers, who may have given assistance in the detection or investigation of the offence.]

Power to arrest without warrant for gaming, and setting birds and animals to fight in public streets.

12. A Police-officer may apprehend [3][and search] without warrant—

(*a*) any person found [4][gaming] [5][or reasonably suspected to be gaming] in any public street, [6][or thoroughfare, or in any place to which the public have or are permitted to have access] [7][or in any race-course];

(*b*) any person setting any birds or animals to fight in any public street, [6][or thoroughfare, or in any place to which the public have or are permitted to have access];

(*c*) any person there present aiding and abetting such public fighting of birds and animals.

Any such person shall, on conviction, be [8][punishable] with fine which may extend to [9][three hundred rupees], or with imprisonment which may extend to [1][three months] [2][and where such gaming consists of wagering or betting or of any such transaction as is referred to in the definition of gaming given in section 3, any such person so found gaming shall, on conviction, be [3][punishable] in the manner and to the extent referred to in section 4, and all moneys found with such person shall be forfeited.]

---

[1] These words were substituted for the words " to be paid to an informer " by Bom. 1 of 1936, s. 8.

[2] These words were substituted for the words " the City of Bombay " by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[3] The words " and search " were inserted by s. 9 (*1*) of Bom. 1 of 1936.

[4] This word was substituted for the words " playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game, not being a game of mere skill " by s. 7 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

[5] The words " or reasonably suspected to be gaming " were inserted by Bom. 1 of 1936, s. 9 (*2*).

[6] These words were substituted for the words " place or thoroughfare " by Schedule I, Part II, Serial No. 14 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[7] These words were added by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922).

[8] The word " punishable " was substituted for the word " punished " by Bom. 1 of 1936, s. 9 (*3*).

[9] The words " three hundred rupees " were substituted for the words " fifty rupees ", *ibid*, s. 9 (*4*).

Seizure and destruction of instruments found.

And such Police-officer may seize all birds and animals and [4][things reasonably suspected to be instruments of gaming] found in such public street, [5][thoroughfare, [6][place or race-course]] or on [7][or about] the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed, and such birds and animals to be sold and the proceeds forfeited. [8][When any thing has been found on or about any person and a court is satisfied that the Police-officer had reasonable grounds for suspecting that such thing was an instrument of gaming, such circumstance shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming.]

Power to arrest without warrant for printing, publishing or distributing any news or information.

[9]**12A.** A Police-officer may apprehend without warrant any person who prints, publishes, sells, distributes or in any manner circulates any newspaper, news-sheet or other document or any news or information with the intention of aiding or facilitating gaming.

Any such person shall, on conviction, be punishable in the manner and to the extent referred to in section 4.

And any police officer may enter and search any place for the purpose of seizing, and may seize all things reasonably suspected to be used or to be intended to be used, for the purpose of committing an offence under this section.

Saving of games of mere skill.

13. Nothing in this Act shall be held to apply to any game of mere skill wherever played.

---

[1] The words "three months" were substituted for the words "one month" by Bom. 1 of 1936, s. 9 (*5*).

[2] These words were added by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922).

[3] The word "punishable" was substituted for the word "punished" by Bom. 1 of 1936, s. 9 (*3*).

[4] These words were substituted for the words "instruments of gaming", *ibid*, 9 (*6*).

[5] These words were substituted for the words "place or thoroughfare" by Schedule I, Part II, Serial No. 14 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[6] These words were substituted for the words "or place" by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922).

[7] The words "or about" were inserted by Bom. 1 of 1936, s. 9 (*6*).

[8] This paragraph was added, *ibid*, s. 9 (7).

[9] Section 12A was inserted, *ibid*, s. 10.

SCHEDULE.

[ENACTMENTS REPEALED.]

Repealed by Act XVI of 1895.

THE MATADARS ACT, 1887.

CONTENTS.

PREAMBLE.

Sections.

1. Short title.
Extent
Commencement.

2. Definitions.
Expressions defined in the Bombay Land-revenue Code.

3. Modifications of Bombay Act III of 1874.

4. Construction.

Of the Register.

5. Matadars' service register what to contain.

6. Right to patel's office to appertain ordinarily to every matadar family; but exclusive right may be declared by Provincial Government to appertain to one matadar family.

7. Determination of matadars.

8. Determination of representative matadars.

9. Name of heir to be registered when a matadar dies.

10. Amendment of the register.

Of Service.

11. Duties and privileges of matadars, as such.

12. Area to which matadars' functions extend may in certain cases be reduced.

13. Number of officiators requisite for patel's office to be fixed by the Collector.

14. Right to office to vest in representative of families whose rights declared.

15. In every other case right of office to be enjoyed by matadar families in rotation.

16. Determination of order of rotation.
On failure of majority of matadars to agree, Collector to determine order by lot.
Proviso.

17. When officiator may be elected by matadars.
Failing election of officiator by matadars, right of office to vest in representative matadar.

Sections.

18. Rules for elections to be prescribed by Provincial Government.

19. Representative matadar must ordinarily officiate in person.

On refusal by one representative matadar to officiate in person, turn to enjoy right of office to pass.

Other employment when prohibited to representative matadars.

Failure to reside in village.

20. When deputy may be appointed by representative matadar.

Removal of deputy.

21. Procedure when appointment of deputy has to be made by representative matadar.

22. Appointment of deputy when to be made by Collector.

Such deputy ordinarily to be member of matadar family.

22A. Procedure where a disqualified representative matadar is not entitled to appoint a deputy.

23. Guardian may act on behalf of matadar legally incompetent.

24. Term of office of sole representative matadar, and of an elected officiator.

25. Term of office of representative matadar entitled to office on failure of election.

26. Deputies to be appointed for period of their principal's term of office.

27. No change of officiator to be permitted during last year of representative matadar's term of office.

If occasion arises for any such change, office to be deemed vacant.

28. Appointment of temporary officiators by Mamlatdar or Mahalkari

29. Officiators to retain substitutes during their absence or illness.

Of the Disqualifications for the Patel's Office.

30. What persons to be deemed disqualified for office.

Of Penalties.

31. Punishment of matadars and officiators by fine, and of officiators by suspension or removal from office.

Disabilities of representative matadar removed from office.

Forfeiture of life-interest of representative matadar in case of removal from office.

32. Liability of officiator to criminal prosecution and suspension pending inquiry and trial.

BOMBAY ACT No. VI OF 1887.[1]

[THE MATADARS ACT, 1887.]

[*30th January, 1888.*]

Amended by Bom. 3 of 1890;
„ „ „ 3 of 1910;
„ „ „ 3 of 1915;
„ „ „ 8 of 1922;
„ „ „ 24 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to amend the Bombay Hereditary Offices Act so far as it relates to Matadars.

Bom. III of 1874. Preamble.

WHEREAS some portions of the [2]Bombay Hereditary Offices Act are found to be unsuited to matadars, and it is, therefore, expedient to amend the said Act and to enact special provisions for the regulation of the service of matadars; It is enacted as follows :—

Short title.

1. This Act may be cited as the Matadars Act, 1887.

Extent.

It extends to the districts of Ahmedabad, Kaira, Broach and Surat; but the [3][Provincial Government] may, from time to time, by [4]notification in the [5][Official Gazette], extend its provisions to any village in the Panch Mahals District.

Commencement. Bom. III of 1874.

It shall come into force at once : Provided that every appointment to any patel's office to which this Act applies, made under the provisions of the [2]Bombay Hereditary Offices Act, or of [6]Act No. XI of 1843 (*an Act for regulating the service of hereditary officers under the Presidency of Bombay*) and still in force, shall hold good—

(*a*) until the time when, if this Act had not been passed, such appointment would become vacant, or until the expiry of two years from the coming of this Act into force, whichever first occurs, or,

(*b*) in the case of an appointment which has been made to have effect pending further orders, until such time as the Collector directs;

---

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1884, Pt. V, p. 44; for Reports of the Select Committee, *see ibid*, 1885, p. 39, and *ibid*, 1887, p. 195, and for Proceedings in Council, *see ibid*, 1885, p. 27, *ibid*, 1886, p. 94, and *ibid*, 1887, pp. 205 and 219.

[2] *Supra.*

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] For such extension, *see Bombay Government Gazette*, 1913, Pt. I, p. 922.

[5] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[6] Act 11 of 1843 is repealed by Bom. 3 of 1874.

and a fresh appointment under this Act in lieu of any such appointment as aforesaid shall only be made to have effect from the time when the latter appointment ceases to hold good.

Definitions.

2. In this Act, unless there be something repugnant in the subject or context,—

(*1*) "matadar family" means a family to which the office of village patel, or some share in the discharge of the duties or in the exercise of the powers ordinarily appertaining to that office, belongs hereditarily;

(*2*) "mata" means the aggregate of the rights, privileges and responsibilities vesting in a matadar family as such;

(*3*) "member of a matadar family" does not include a female, or a person claiming through a female, whilst such female or person is, under section 2 of Act No. V of 1886 (*an Act to amend Bombay Act III of 1874*), postponed in the order of succession to the mata, or part thereof or interest therein, to a male member of the family;

(*4*) "matadar" means a member of a matadar family whose name is entered in the register kept under section 5, and includes a representative matadar;

(*5*) "representative matadar" means a member of a matadar family whose name is entered as a representative matadar in the said register;

(*6*) "senior heir" means the heir who first acquired the right of inheritance, whether by birth, marriage or otherwise;

Expressions defined in the Bombay Land-revenue Code.

(*7*) any word or expression which is defined in the [1]Bombay Land Revenue Code, 1879, and is not hereinbefore defined, shall have the meaning given to it by that Code;

Bom. V of 1879.

[2][(*8*) in determining who is the heir to a matadar for the purposes of this Act, the rule of lineal primogeniture shall be presumed to prevail in the matadar family.]

Modifications of Bombay Act III of 1874.

3. In applying the [1]Bombay Hereditary Offices Act as amended by Bombay Act No. V of 1886 (*an Act to amend Bombay Act III of 1874*), and section 2 of the last-mentioned Act, to matadars, the term "watan" shall be deemed to mean all and each of the matas of a village, and a member of a matadar family shall be deemed to be a watandar, and the said Act, as so amended, shall be read subject to the following modifications, namely:—

Bom. III of 1874.

(*1*) sections 24 to 31, both inclusive, 36 to 59, both inclusive, 61, 62, 67, 69, 71, and clause (*2*) of section 73, and so much of section 73 as relates to orders passed under Part VI or Part VII or section 58 of the said Act, and in section 4 the definitions of "watandar" and "representative watandar," shall be deemed to be repealed;

---

[1] *Supra.*

[2] This clause was added by s. 3 (*1*) of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910)

(2) in sections 33 and 34, the words "the coming into force of this Act" shall be taken to mean the coming into force of this present Act, and the word "matadar" shall be substituted for the words "registered representative watandar" and "watandar" wherever they respectively occur;

(3) for the first four words of section 60, the words "when any person elected to officiate or a representative matadar" shall be deemed to be substituted.

Construction.

Bom. III of 1874.

4. Subject to the provisions of the last preceding section, this Act shall be read as one with the [1]Bombay Hereditary Offices Act.

Of the Register.

Matadars' service register what to contain.

Bom. III of 1874.

5. In the register of lands and allowances in consideration of which liability to perform service still exists, kept under section 65 of the [1]Bombay Hereditary Offices Act the Collector shall specify for every village in which there are matadars:—

(*a*) the number of distinct matadar families in the village separately recognized in the Collector's records;

(*b*) the name of the representative matadar of each matadar family to which a right to hold the office of patel appertains;

(*c*) the name of every other person directed by the Collector to be entered in the register under section 7 or 9;

(*d*) where there are more representative matadars than one, the order of rotation in which, failing the appointment of an officiator by election, the right to the patel's office is to vest in the said representative matadars;

(*e*) the number of persons required to officiate as patels contemporaneously;

(*f*) a description of the service lands held by each matadar family, showing the area, survey numbers and the assessment thereof, together with the quit-rent, if any, payable, and the net amount of revenue alienated by [the Provincial Government];

(*g*) the amount and nature of the cash or other allowances, if any, held by each matadar family;

Bom. III of 1874.

(*h*) the watan property or profits assigned under section 23 of the Bombay Hereditary Offices Act for the emoluments of officiators;

(*i*) such other particulars as [2][the Provincial Government] from time to time direct.

---

[1] *Supra.*

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

The said register shall be amended from time to time whenever any change is made in any of the particulars therein specified in accordance with the provisions of this Act or of the Bombay Hereditary Offices Act.

Bom. III of 1874.

Right to patel's office to appertain ordinarily to every matadar family; but exclusive right may be declared by Provincial Government to appertain to one matadar family.

6. In every village in which there are two or more distinct matadar families separately recognized in the Collector's records, a right to hold the office of patel shall ordinarily be deemed to appertain to each of the said families:

Provided that it shall be competent to the [2][Provincial Government] to declare, if, upon consideration of the past history of the tenure of the office in any village, and of the circumstances, so far as known, under which the village was founded, it shall appear to [3][it] equitable so to do, that the right to the patel's office in such village appertains [4][to one or more than one of such families to the exclusion of the remainder of such families, and shall vest in such order as [5][it] may thereby determine, and every such declaration shall be conclusive evidence of the rights thereby affirmed.]

Determination of matadars.

7. In the register prepared under section 5 the Collector shall enter the name of every member of a matadar family contained in any list of matadars made under the orders of [6][the Provincial Government] subsequent to the year 1866:

Provided that—

(*a*) if, for any village, no such list exists, or if, in respect of any matadar family, no person's name has been entered in any such list, or if at the time when this Act comes into force, there is any dispute pending as to the completeness or correctness of any such entry, the Collector shall hold a summary inquiry, and shall enter in the register the name of each member of a matadar family who shall appear to him to have been recognized in the records previous to the year 1867 as a matadar of the family for which such list or entry is wanting, or to which such dispute relates;

(*b*) if any person whose name should be entered in the register in accordance with any of the foregoing provisions is dead, the name of the heir next in succession, or, if there are two or more heirs of equal degree, the name of the senior heir, shall, subject to the provisions of section 2 of Bombay Act No. V of 1886 (*an Act to amend* [7]*Bombay Act III of 1874*), be entered in the register instead of his.

---

[1] *Supra.*

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The word "it" was substituted for the word "him", *ibid.*

[4] These words were substituted for the words "exclusively to one matadar family, and every such declaration shall be conclusive evidence of the exclusive right thereby affirmed", by s. 1 of the Matadars Act Amendment Act, 1890 (Bom. 3 of 1890).

[5] The word "it" was substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

[6] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[7] The Bombay Hereditary Offices Act, 1874, *supra.*

8. (*1*) The name of one matadar shall be entered in the said register as the representative matadar of each matadar family to which a right to hold the office of patel appertains.

Determination of representative matadars.

(*2*) For every such matadar family of which there is only one matadar, the said matadar shall be the representative matadar.

(*3*) If there are two or more matadars of any such matadar family, the Collector shall, as soon as may be after the passing of this Act, enter in the said register as representative matadar of the matadar family such one of the said matadars as shall appear to him to be the head of the matadar family.

9. On the death of a representative or other matadar, the fact shall be reported by the village-officers to the Collector, and the name of the heir next in succession, or, if there are two or more heirs of equal degree, the name of the senior heir, shall, subject to the provisions of section 2 of Bombay Act No. V of 1886 (*an Act to amend* [1]*Bombay Act III of 1874*), [2][and to any declaration under the proviso to section 6 of this Act] be registered in his stead :

Name or heir to be registered when a matadar dies.

[3][Provided that, in any case where the deceased matadar was not a sole epresentative matadar, if the heir next in succession is not a member of the ranch of the matadar family to which the deceased matadar belonged but is nother matadar of the same village, or is a member of the branch of another matadar of the same village, the share entered in the register against the name of the deceased matadar shall—

(*a*) if there is only one remaining representative matadar of the same village who is descended from the same original matadar as the deceased, pass to that remaining representative matadar,

(*b*) if there are more than one such remaining representative matadars, be divided among such remaining representative matadars in proportion to their shares,

and the register shall be corrected accordingly.]

10. If at any time any person shall, by production of a certificate of heirship, or of a decree or order of a competent Court, satisfy the Collector that he is entitled to have his name registered under section 7 (*b*) or section 9 in preference to the person whose name the Collector has ordered to be registered, the Collector shall cause the entry in the register to be amended accordingly.

Amendment of the register.

Of Service.

11. Every matadar shall be bound, when so required by the Collector, to perform the duties customarily discharged by matadars, and shall have the privilege of signing the abstract of village-lands and revenues, and such other village-records as it may be customary for matadars to sign.

Duties and privileges of matadars as such.

---

[1] The Bombay Hereditary Offices Act, 1874, *supra*.

[2] These words were inserted by s. 3 (*2*) (*a*) of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[3] This proviso was added by s. 3 (*2*) (*b*), *ibid*.

Area to which matadars' functions extend may in certain cases be reduced.

12. If within the limits of any village in which there are matadars a new village or hamlet has been, or shall hereafter at any time be, formed, it shall be competent to the Collector, with the previous sanction of [1][the Provincial Government], to exclude the limits of such new village or hamlet from the area to which the functions of the said matadars extend.

Number of officiators requisite for patel's office to be fixed by the Collector.

13. The Collector may fix at his discretion, from time to time, the number of officiators requisite for the due discharge of the duties of every patel's office.

Right to office to vest in representative of families whose rights declared.

[2][**14.** In every village in which the [3][Provincial Government] makes a declaration under section 6, the right to the office of patel shall vest to the exclusion of all other matadars in the representative of each of the families whose rights are thereby declared, in such order as may therein be determined.]

In every other case right of office to be enjoyed by matadar families in rotation.

15. In every other village the right to the patel's office vest in each of the matadar families entitled thereto in rotation.

Determination of order of rotation.

16. For the purpose of determining the order in which the said right shall vest in the said families, the Collector shall, as soon as may be after this Act comes into force, by written notice, require the matadars of the village to assemble in his presence.

On failure of majority of matadars to agree, Collector to determine order by lot.

If a majority of the matadars present in accordance with the said notice do not agree to some order of rotation, the order shall be forthwith determined by the Collector by lot, in the presence of the assembled matadars, in such manner as he shall think fit:

Proviso.

Provided that if, in the course of any proceeding held under the [4]Bombay Hereditary Offices Act, an order of rotation for service of the representative watandars of the same families has been already settled by lot or by agreement of the parties, the order so settled shall hold good for the purpose of the last preceding section.

Bom. III of 1874.

When officiator may be elected by matadars.

17. On or in anticipation of the occurrence of a vacancy in the office of patel in any village to which section 15 applies, the matadars of the village [5][who are not deprived of the right of voting under sub-section (*2*) of section 30] may elect some member of the matadar family whose turn it is to enjoy the right of office to fill the vacancy.

---

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Section 14 was substituted by s. 2 of the Matadars (Amendment) Act, 1890 (Bom. 3 of 1890).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] Supra.

[5] These words and figures were inserted by s. 2 of the Matadars (Amendment) Act, 1922 (Bom. 8 of 1922).

If a majority of the said matadars fail, within such reasonable period as shall be prescribed by the Collector in this behalf, to nominate some member of the matadar family aforesaid for the vacancy, or, if the person nominated is disqualified for office, the right of office shall vest in the representative matadar of the said family.

Failing election of officiator by matadars, right of office to vest in representative matadar.

18. Elections under the last preceding section shall be held in accordance with such rules [1] as the [2][Provincial Government], by notification in the [3][Official Gazette], from time to time, prescribes in this behalf.

Rules for elections to be prescribed by Provincial Government.

19. Every representative matadar in whom the right of office vests under section 14 or 17 shall ordinarily be required by the Collector, if he is not disqualified for office, to officiate in person; but the Collector may, if he thinks fit, dispense with his personal service.

Representative matadar must ordinarily officiate in person.

If, in any village to which section 15 applies, the representative matadar of the family whose turn it is to enjoy the right of office declines, when so required by the Collector, to officiate in person, the turn to enjoy the said right shall pass to the matadar family next in the settled order of rotation.

On refusal by one representative matadar to officiate in person, turn to enjoy right of office to pass.

A representative matadar who declines, whilst officiating, to forsake some other employment which, in the opinion of the Collector, is incompatible with the due discharge of the duties of the patel's office, or fails when so required by the Collector to reside in the village for which he is appointed, shall be deemed to decline to officiate in person.

Other employment when prohibited to representative matadars. Failure to reside in village.

20. A deputy may be appointed at any time—

When deputy may be appointed by representative matadar.

(*a*) by a representative matadar who is, or who whilst officiating in person becomes, disqualified for office; and

(*b*) with the Collector's permission, by a representative matadar who does not wish to officiate or to continue to officiate in person, although not disqualified for office; and

(*c*) by a sole representative matadar, who proposes to officiate or is already officiating in person, when one or more other officiators are necessary:

[4][Provided that no representative matadar who is disqualified under clauses (*f*), (*g*) or (*h*) of sub-section (*1*) of section 30 shall be entitled to appoint a deputy.]

---

[1] *See* Bombay Local Rules and Orders.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

[4] This proviso was inserted by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

Removal of deputy.

A deputy appointed by a representative matadar may at any time be removed from office by the Collector at the request of the representative matadar, if, in the opinion of the Collector, there are good reasons for such request.

Procedure when appointment of deputy has to be made by a representative matadar.

21. When an appointment of a deputy has to be made by a representative matadar, the Collector shall, by written notice, require him to nominate a fit person to be his deputy within twenty days from the date of service of the said notice.

Should the representative matadar fail, within the said period, to nominate any person, or if the person he nominates is not a member of a matadar family of the same village, or is disqualified for office, the Collector may, in his discretion, extend the period of nomination for a further term of ten days.

If within the prescribed period of twenty days, or, when the Collector extends the period, within the extended term, no person is nominated by the representative matadar, or the person nominated by him is not a member of a matadar family of the same village, or is disqualified for office, the turn to enjoy the right of office shall, [1][pass to the representative matadar or matadar family next in the settled order of rotation according as section 14 or section 15 applies to the village.]

Appointment of deputy when to be made by Collector.

22. If a sole representative matadar declines, when so required by the Collector, to officiate in person, or fails to appoint a fit person to be his deputy in accordance with the provisions of the last preceding section, the Collector shall appoint a deputy.

Such deputy ordinarily to be member of matadar family.

A deputy so appointed by the Collector shall ordinarily be a member of the matadar family of the village for which he is appointed, but, [2][if there is no member of such family fit and willing to officiate, any other person may be appointed.]

Procedure where a disqualified representative matadar is not entitled to appoint a deputy.

[3][22A. When a representative matadar whose turn it is to enjoy the right of office is disqualified for office under clauses (*f*), (*g*) or (*h*) of sub-section (*1*) of section 30, he shall be deemed to have failed to appoint a deputy, and the turn of office shall pass in accordance with section 21, or a deputy shall be appointed by the Collector in accordance with section 22, as the case may be.]

Guardian may act on behalf of matadar legally incompetent.

23. If a matadar is under eighteen years of age or if disabled by lunacy or imbecility of mind, the guardian or other legal curator of his person may act in his behalf in any of the matters provided for in sections 16, 17, 20 and 21.

---

[1] These words and figures were substituted for the words and figures "in a village to which section 15 applies, pass to the matadar family next in the settled order of rotation" by Bom. 3 of 1910, s. 3.

[2] These words were substituted for the words "with the previous sanction of Government, may be any other person", *ibid.*

[3] Section 22A was inserted, *ibid.*

Term of office of sole representative matadar, and of an elected officiator.

24. The term of office of a sole representative matadar shall be for life if the representative matadar shall not in the meantime become disqualified for office.

The term of office of a person elected under section 17 shall be for five years or for such longer period as a majority of the matadars shall at the time of election desire if the person elected shall not in the meantime die or become disqualified for office.

The desire of the matadars as to the duration of the term of office of any person elected by them under section 17 shall be ascertained in accordance with the rules prescribed under section 18 for determining nominations.

Term of office of representative matadar entitled to office on failure of election.

25. The term of office of a representative matadar in whom the right of office vests on failure of an election under section 17 shall be—

(*a*) five years, when the number of representative matadars exceeds nine;

(*b*) seven years, when the number of representative matadars exceeds four but does not exceed nine;

(*c*) ten years, when the number of representative matadars does not exceed four.

Deputies to be appointed for period of their principal's term of office.

26. A deputy appointed by a representative matadar, or by the Collector in his stead, shall be appointed for the term, or for the residue of the term, of office of the representative matadars by or for whom he is so appointed; and, if a deputy dies or resigns or becomes disqualified for office during the said term, another deputy may be appointed for the residue of the said term in accordance with the provisions of sections 21 and 22:

Provided that—

(*a*) if a representative matadar who has appointed a deputy because he himself was disqualified for office, or because he did not wish to officiate in person, subsequently at any time during his term of office wishes to officiate in person, he may, if he is not then disqualified for office, be permitted so to do by the Collector.

(*b*) if a representative matadar dies during his term of office, the deputy, if any officiating in his stead shall cease to officiate, and the successor of the representative matadar shall, subject to the provisions of section 19, officiate in person for the residue of the said term, or a deputy shall be appointed by him or by the Collector in his stead for the said period, according to the provisions of sections 20, 21 and 22.

No change of officiator to be permitted during last year of representative matadar's term of office.

27. Notwithstanding anything hereinbefore contained to the contrary, no representative matadar in any village to which section 15 applies shall be permitted to commence to officiate in person, and no new deputy shall be appointed by or for a representative matadar in any such village during the last year of the term of office of such representative matadar.

If occasion arises for any such change, office to be deemed vacant.

If occasion arises during any such year for any change of an officiator in any such village there shall be deemed to be a vacancy in the office.

Appointment of temporary officiators by Mamlatdar or Mahalkari.

28. During any interval between the occurrence of a vacancy in a patel's office and its being filled up in accordance with the foregoing provisions, and during the time that any officiator is suspended, the [1][Mamlatdar or Mahalkari, as the case may be,] may appoint such person as he thinks fit, whether a member of a matadar family of the village or not, to officiate temporarily.

Officiators to retain substitutes during their absence or illness.

29. If an officiator is temporarily absent from his village, or is temporarily prevented by illness from discharging the duties of his office, he may depute some other fit person, whether a member of a matadar family of the village or not, to perform the said duties, but shall be responsible for the acts and omissions of the person so deputed as if they were his own acts and omissions.

Of the Disqualifications for the Patel's Office.

What persons to be deemed disqualified for office.

[2][30. (*1*)] The following persons shall be deemed to be disqualified for the patel's office, namely :—

(*a*) females ;

(*b*) persons under eighteen years of age ;

(*c*) any person who has not passed such educational test, if any, as [3][the Provincial Government] think fit, from time to time, to prescribe in this behalf ;

(*d*) any person who has attained sixty years of age, except when such person's appointment or further continuance in office is specially permitted by the Collector.

(*e*) any person who, in the opinion of the Collector, is disabled by lunacy or imbecility of mind, or by deafness, blindness or other permanent infirmity of body :

[4][(*ee*) any person who is considered by the Collector to be unfit for office on the ground that he is a wilful defaulter in respect of land-revenue or any sum expressly declared by any law for the time being in force recoverable as an arrear of land-revenue] ;

(*f*) any person who, [5]* * * * * * * * is adjudged by the Collector, after a summary inquiry, to be of general bad character ; [6][and whose disqualification on account of his being so adjudged has not been removed by an order which the Collector is hereby empowered to make in this behalf] ;

(*g*) any person who has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having subsequently been reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order which the [7][Commissioner] is hereby empowered to make, if he shall think fit, in this behalf ;

---

[1] These words were substituted for the word "Collector" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] Section 30 was renumbered "30 (*1*)" by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] Clause (*ee*) was inserted by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[5] The words "at the time when he would otherwise be entitled to officiate" were deleted by Bom. 24 of 1936, s. 2, Schedule.

[6] These words were added, *ibid*.

[7] This word was substituted for the words "Governor in Council" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

(*h*) any person removed from office [1][or declared to be ineligible for re-employment] under section 31, except when such person's re-employment is expressly sanctioned by [2][the Commissioner].

Any officiator who during his term of office becomes disqualified for any of the above reasons shall cease to officiate.

[3][(*2*) Any matadar who is disqualified under clause (*f*) or clause (*g*) of sub-section (*1*) shall, so long as his disqualification has not been removed as aforesaid, be deprived of any right which he would otherwise have of voting at an election of an officiator, or of appointing a deputy to officiate.]

Of Penalties.

Punishment of matadars and officiators by fine, and of officiators by suspension or removal from office.

31. Any matadar who shall neglect or refuse to comply with any order made by the Collector under section 11, and any matadar or officiator who shall be careless or negligent in the discharge of his duties, may be punished by the Collector, for each such offence, by fine which may extend to one-fourth part of the annual emoluments of such matadar or officiator.

If an officiator shall be accused of any misconduct which shall seem to the Collector to require a severer punishment than that aforesaid, the Collector may suspend him from office during investigation into such accusation, and, after holding a summary inquiry, may, if he consider the officiator guilty of misconduct meriting such punishment, suspend him from office for a further period not exceeding six months, or, if fraud or wilful framing of incorrect records or other grave misconduct or offence is proved against him, may, with the previous sanction of [4][the Provincial Government], remove him from office, [5][or, if he has ceased to officiate, may declare that he is ineligible for re-employment without the sanction of [4][the Provincial Government].

Disabilities of representative matadar removed from office.

When a representative matadar has been so removed from office, he shall, if [4][the Provincial Government] so direct, be deprived for the rest of his life of any right which he would otherwise have of voting at an election of an officiator, [6]* * * *

Forfeiture of life interest of representative matadar in case of removal from office.

If any representative matadar or deputy is removed from office under this section, the [7][Provincial Government] may direct the forfeiture of the life interest in the mata of the representative matadar so removed from office, or of the representative matadar by whom the deputy so removed from office was appointed, as the case may be.

Liability of officiator to criminal prosecution and suspension pending inquiry and trial.

32. Nothing in the last preceding section shall affect the liability of an officiator to a criminal prosecution for any offence which he may be accused of having committed; and the Collector may suspend any officiator subjected to any such prosecution pending the inquiry and trial, and at its close may take the proceedings and the finding of the Criminal Court into his consideration for the purpose of dealing with the case under the last preceding section.

---

[1] These words were inserted by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[2] These words were substituted for the word "Government" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[3] Sub-section (2) was substituted for the original sub-section by Bom. 24 of 1936, s. 2, Schedule.

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] These words were added by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[6] The words "or of appointing a deputy to officiate; and, if any representative matadar so deprived is a sole representative matadar, a deputy shall be appointed by the Collector, subject to the provisions of paragraph 2 of section 22 to officiate in his stead during his lifetime" were repealed, *ibid.*

[7] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

The Toda Giras Allowances Act, 1887 (Bom. VII of 1887), at pages 611-614 has been repealed by the Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953), section 20, Schedule I.

THE BOMBAY MUNICIPAL CORPORATION ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY

SECTIONS.

1. Short title.
Extent.
2. Repeal of enactments.
3. Definitions of terms.

CHAPTER II.

THE MUNICIPAL CONSTITUTION.

Municipal Authorities.

4. Municipal authorities charged with execution of this Act.

(A) The Municipal Corporation.

5. Constitution of corporation.

Terms of Office of Councillors, Casual Vacancies, etc.

6. Day on which councillors are to come into office.
7. Day for retirement of councillors.
8. Re-eligibility of persons ceasing to be councillors.
9. Casual vacancies how to be filled up.
10. Publication of names of councillors in the *Official Gazette*.

Qualifications and Disqualifications of Voters and Councillors.

11. Qualifications of voters at ward elections.
11A. Qualifications of voters at election of delegates.
12. [*Repealed.*]
13. [*Repealed.*]
14. Qualification for election as a councillor at a ward election.
14A. Qualifications for election as a councillor by delegates.
15. Qualification for election by chamber, etc.
15A. [*Repealed.*]
16. Disqualifications for being a councillor.
17. A person becoming disqualified to cease to be a councillor.
18. Questions as to disqualifications to be determined by Chief Judge of the Small Cause Court.

Municipal Election Roll.

19. Preparation and revision of list of persons qualified to vote.
20. Appeals against Commissioner's orders on revision of the list by whom to be heard.
21. Completion of the municipal election roll.
21A. Procedure regarding election of delegates and councillors.
21B. Preparation and revision of list for supplementary election rolls.
21C. Completion of supplementary election rolls.
21D. Consolidation of supplementary election rolls.

SECTIONS.

Elections of Councillors.

22. Dates of elections.
23. Order in which general elections are to be held.
24. Divisions of the city into wards for purposes of elections.
25. Notice to be given of day fixed for ward elections.
26. Candidates at ward elections must be nominated.
Provisions regarding nominations.
26A. Deposit by candidates.
27. Poll to be taken when a ward election is contested.
Names of candidates validly nominated to be published.
27A. Prohibition of canvassing in or near polling stations.
27B. Penalty for disorderly conduct in or near polling stations.
27C. Penalty for misconduct at polling stations.
28. Provisions respecting contested ward elections.
28A. Maintenance of secrecy of voting.
28B. Officers, etc., at elections not to act for candidates or to influence voting.
28C. Breaches of official duty in connection with elections.
28D. Removal of ballot papers from polling stations to be an offence.
28E. Other offences and penalties therefor.
28F. What is a corrupt practice.
28G. Corrupt practices, criminial offences and procedure.
28H. Adjournment of poll in emergencies.
28I. Fresh ballot in the case of destruction, etc., of ballot boxes.
29. Corporation may make rules for the conduct of elections.
30. Proceedings at fellow's elections.
30A. [*Repealed.*]
31. Proceedings at elections by the Chamber or Association.
31A. [*Repealed.*]
32. Declaration of results of elections.
33. Election petitions to be heard and disposed of by Chief Judge of the Small Cause Court.
34. Procedure if election fails or is set aside.

Appointment of Councillors by State Government.

35. [*Repealed.*]

Proceedings of the Corporation.

36. Provisions regulating the corporation's proceedings.
36A. Power to order withdrawal of member.

Mayor.

37. Appointment of Mayor.

SECTIONS.

Committees.

38. Appointment of consultative committees for special purposes.
38A. Special Committees of the corporation.
38B. Special Committees of the standing committee or the Improvements Committee.
38C. Appointment of sub-committees by the Improvements Committee.
39. Appointment of Primary Education Consultative Committee.
40. Committee may be appointed for other educational purposes.
41. Appointment of Hospital Committee.

(B) The Standing Committee.

42. Constitution of standing committee.
43. Members of the standing committee when to be appointed.
44. Appointment of chairman of standing committee.
45. Members of standing committee to retire by retation.
46. Appointment of members of standing committee to replace those who retire.
46A. Member of standing committee absenting himself for three months from meetings to vacate seat.

SECTIONS.

47. Casual vacancies in the standing committee now to be filled up.
48. Each standing committee to continue in office till a new committee is appointed.
49. Provisions regulating the proceedings of the standing committee.

(B1) Improvements Committee.

49A. Improvements Committee to be constituted for the purpose of carrying out the improvement of the city.
49B. Constitution of the Improvements Committee.
49C. Members of Improvements Committee when to be appointed.
49D. Appointment of Chairman of Improvements Committee.
49E. Members of Improvements Committee to retire by rotation.
49F. Appointment of members of Improvements Committee to replace those who retire.
49G. Casual vacancies in the Improvements Committee how to be filled up.
49H. Improvements Committee to continue in office till a new committee is appointed.
49I. Provisions to regulate the proceedings of the Improvements Committee.
49J. Existing Committee to continue pending formation of new Improvements Committee.

(B2) The Bombay Electric Supply and Transport Committee..

50. Constitution of Bombay Electric Supply and Transport Committee.
50A. Term of office of members of Bombay Electric Supply and Transport Committee.
50B. Disqualification of members of Bombay Electric Supply and Transport Committee.
50C. Casual vacancies how to be filled up.
50D. Chairman of Bombay Electric Supply and Transport Committee.
50E. Meetings of Bombay Electric Supply and Transport Committee.
50F. Fees for attendance at meetings of Bombay Electric Supply and Transport Committee.
50G. Sub-committees of the Bombay Electric Supply and Transport Committee.

(E) The Education Committee.

50H. Constitution of Education Committee.
50I. Members of Education Committee when to be appointed.
50J. Disqualifications of members of Education Committee.
50K. Appointment of Chairman of Education Committee.
50L. Members of Education Committee to retire by rotation.
50M. Appointment of members of Education Committee to replace those who retire.
50N. Casual vacancies in Education Committee how to be filled up.
50O. Each Education Committee to continue in office till new Committee is appointed.
50P. Education Committee to act notwithstanding default etc., in appointment of member.
50Q. Meetings of Education Committee.
50R. Right of Municipal Commissioner and Education Officer to be present.
50S Appointment of sub-committees by Education Committee.

SECTIONS.

Provisions regarding validity of proceedings.

51. Vacancy in corporation, etc., not to invalidate their proceedings.
52. Proceedings of corporation, etc., not vitiated by disqualification, etc., of members thereof.
53. Proceedings of meetings to be deemed to be good and valid until the contrary is proved.

(*C*) *The Municipal Commissioner.*

54. Appointment of the Commissioner.

Deputy Municipal Commissioners.

55. Appointment of a Deputy Municipal Commissioner.
56. Functions of a Deputy Commissioner.
56A. Appointment of Deputy Municipal Commissioner (Improvements).
56B. Functions of the Deputy Municipal Commissioner (Improvements).

Remuneration of Commissioner and Deputy Commissioner.

57. Salary of the Commissioner.
Duties which may be undertaken by the Commissioner outside of this Act.
58. Remuneration of a Deputy Municipal Commissioner.
58A. Remuneration of the Deputy Municipal Commissioner (Improvements).

Provisions for absence of Commissioner or Deputy Commissioner on leave.

59. Grant of leave of absence to the Commissioner or Deputy Commissioner.
Allowance whilst absent on leave.
Appointment and remuneration of acting Commissioner or acting Deputy Commissioner.

Disqualifications of Commissioner and Deputy Commissioner.

60. Commissioner and Deputy Commissioner not to be interested in any contract, etc., with the corporation.

(*D*) *The General Manager.*

60A. Appointment of General Manager.
60B. Leave of absence to General Manager.
60C. Disqualifications of General Manager.

CHAPTER III.

DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES.

Obligatory and Discretionary Duties of the Corporation.

61. Matters to be provided for by the corporation.
62. Corporation to provide a monthly sum to State Government for maintaining certain medical institutions in Bombay.
62A. Fees to be charged by the corporation in public hospitals and dispensaries.
62B. Extent of benefit to corporation by change in policy of State Government in regard to their liability in respect of primary education.
62BB. Directions by State Government regarding subjects etc., in schools.
62C. Primary schools and schools maintained by grants to be open to officers appointed by State Government for Inspection.
62D. Corporation to provide annual sum for the Prince of Wales Museum of Western India.
62E. Corporation to provide for maintenance of lunatics.
63. Matters which may be provided for by the corporation at their discretion.

SECTIONS.

Respective Functions of the several Municipal Authorities.

64. Functions of the several municipal authorities.
Municipal government of the city vests in the corporation.
Special functions of the Commissioner.
65. Corporation may call for extracts from proceedings, etc., from the standing committee, etc.
66. Corporation may require the Commissioner to produce documents and furnish returns, reports, etc.
66A. Right to ask questions.
67. Exercise of powers to be subject to sanction by corporation of the necessary expenditure.
68. Municipal officers may be empowered to exercise certain of the powers, etc., of the Commissioner.
68A. Powers, etc., conferred on the Commissioner by the Bombay Vaccination Act, may be exercised by any municipal officers empowered in writing by the Commissioner.
68B. Delegation of powers, etc., of General Manager.

Contracts.

69. Power to the Commissioner to execute contracts on behalf of the corporation.
70. Mode of executing contracts.
71. Contract not binding on the corporation unless executed as prescribed in section 70.
72. Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.
73. Security when to be taken for performance of contract.
73 (1A). Saving of contracts under Chapter XVI-A.

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

Special Engineer, City Engineer, Executive Health Officer and Hydraulic Engineer.

73A. Appointment of Special Engineer.
74. Appointment of city engineer, executive health officer and hydraulic engineer.
75. Time within which vacancy in office of city engineer or executive health officer or hydraulic engineer must be filled up.
76. Executive health officer to be the consulting officer of health under Bombay Act VI of 1867.

Education Officer.

76A. Appointment of Education Officer.

Appointments of medical officers in connection with measures of public medical relief.

76B. Corporation to appoint qualified medical practitioners in charge of hospitals maintained by the corporation.

Municipal Secretary.

77. Appointment of municipal secretary.
78. Appointment of clerks and servants subordinate to the municipal secretary
Control, etc., of the said clerks and servants.

SECTIONS.

Municipal Chief Auditor.

78A. Appointment of Municipal Chief Auditor.
78B. Appointment, salaries, fees, allowances and duties of assistant auditors, clerks and servants subordinate to the municipal chief auditor.
Control, etc., of the said assistant auditors, clerks and servants.

Municipal Chief Accountant.

78C. Appointment of Municipal Chief Accountant.

Other Officers and Servants.

79. Schedule of other officers and servants to be prepared by the Commissioner and sanctioned by the standing committee.
80. Restriction of employment of permanent officers and servants.
80A. Power of appointment in whom to vest.
80B. Manner of making appointments.

Leave of Absence, Acting Appointments, etc.

81. Standing committee to frame regulations for grant of leave, etc. Such regulations to be subject to confirmation by the corporation, and, if made under clause (*f*), by State Government.
82. [*Repealed.*]
83. Power of suspending, punishing and dismissing in whom to vest.
84. Leave of absence by whom to be granted.
84A. Saving in respect of officers and servants appointed under Chapter XVIA.
85. Acting appointments.
85A. Temporary appointments.

Disqualifications of Municipal Officers and Servants.

86. Municipal officer or servant not to be interested in any contract, etc., with the corporation.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Acquisition of Property

87. Powers of corporation as to acquisition of property.
88. Transfer to the corporation of the property of the municipal corporation.
89. Conditions affecting the vesting of the Vehar water-works in the corporation.
89A. Lands and buildings specified in Schedule V to vest in Government.
89B. The statute of Her Majesty Queen Victoria and the site thereof in the Esplanade road to vest in the corporation subject to certain conditions.
89C. The Victoria and Albert Museum and the site thereof to vest in the corporation.
89D. Central Vaccine Depot at Parel to vest in the corporation.
89E. All buildings used for primary education and the sites thereof to vest in the corporation.
89F. Corporation to repay to State Government the amount of grant made for purposes of primary education in respect of certain buildings or sites if used for other purposes.
90. Acquisition of immovable property by agreement.
91. Procedure when immovable property cannot be acquired by agreements.

SECTIONS.

91A. Transfer of property to the corporation.
91AA. Power to grant lease of plot No. 3, the Cooperage Plot, or part thereof.
91B. Vesting of property in Government on the termination of leases granted by the corporation.
91C. Power to apply certain lands vested in the corporation to the purpose of any scheme under this Act.
91D. Property of abolished Municipalities and local authorities vesting in corporation.
91E. Decision of claims to property by or against the corporation in the suburbs.
91F. Requisitioning of premises, vehicles, etc., for elections.
91G. Payment of compensation.
91H. Power to obtain information.
91I. Eviction from requisitioned premises.
91J. Release of premises from requisition.
91K. Power to make rules.
91L. Penalty for contravention of any order regarding requisitioning.

Disposal of Property.

92. Provisions governing the disposal of municipal property.
92A. Obligation annexed to property binding on transferee.

Liabilities.

93. Debts payable by the corporation.
    Vehar water-works' debt.
    The consolidated loan.
    House-rate and market loans of 1867-68.
    New drainage loan of 1878.
    Sanitary works' loans of 1885, 1886 and 1888.
    Tansa water-works' loan.
    Drainage and water-works' loan of 1888.

Repayment of Moneys due to the Government.

94. Vehar water works' debt repayable in monthly instalments.
95. Period of repayment of consolidated loan.
    Mode of repayment.
96. Payments to whom to be made.
    Notice of payments to be published.
97. In case of non-payment, report to be made to the Chief Secretary to State Government.
98. Arrears may be recovered by detention of moneys due to the corporation
99. Or by attachment of the municipal fund, etc.
    Attachment not to defeat prior charge legally made.
100. Reversion of Vehar water-works to the Government in case of default in payment of any instalment of the debt due on their account.
101. Other rights, remedies of the Government not to be affected.
102. Method of appropriating payments on account of the Vehar water-works.
103. Method of appropriating payments on account of the consolidated loan.

SECTIONS.

Repayment of House-rate and Market Loans of 1867-68.

104. Sinking fund for house-rate and market loans to be maintained.

Publication of Annual Account of Balances due on Loans.

105. Account of balances due on loans to be published by the Commissioner yearly.

CHAPTER VI.

BORROWING POWERS.

106. Power to borrow from Central or State Government or other persons.
107. Provisions applicable to any new loan contracted with Central or State Government.
108. Mortgage of taxes or immoveable property.
109. Provisions as to exercise of borrowing powers.
109A. Investment of sinking fund and surplus moneys in debentures issued by the corporation.
109AA. Annual examination of sinking funds.
109B. Corporation may take advances from banks and grant mortgages.
109C. Corporation to have power to borrow from banks against Government promissory notes or securities.
110. Form of security.
110A. Issue of duplicate securities.
110AA. Renewal of debentures.
110AB. Renewal of debentures in case of dispute as to title.
110AC. Liability in respect of debenture renewed.
110AD. Discharge in certain cases.
110E. Indemnity.
110B. Right of survivors of joint payees of securities.
110C. Power of one or two or more joint holders to grant receipts.
110D. Debentures issued under Bombay Acts IV of 1898 and XVI of 1925.
110DD. Issue of stock certificates.
110E. Provisions for loans, etc., raised by the Board of Trustees under Bombay Act IV of 1898 and Bombay Act XVI of 1925.
110F. Procedure in event of default by corporation in payment of interest or investment of sinking fund charges.
110G. Procedure in case of default by Commissioner.
110H. Certain sums to be a charge upon the property of the corporation.

CHAPTER VII.

REVENUE AND EXPENDITURE.

The Municipal Fund.

111. Constitution of the municipal fund.
112. Commissioner to receive payments on account of the municipal fund and to lodge them in a bank.

SECTIONS.

113. How the fund shall be drawn against.
114. Deposit of portion of the municipal fund may be made with bank or agency out of Bombay when convenient.
115. Only sums covered by a budget-grant to be expended from the municipal fund.
Exceptions.
116. Drafts on the municipal fund to be checked by members of the standing committee.
117. Procedure when money not covered by a budget-grant is expended under clause (*e*), (*f*), (*g*) or (*h*) of section 115.
118. Purposes for which the municipal funds is to be applied.
118A. Municipal fund where to be expended.
119. Temporary payments from the municipal fund for works urgently required for public service.

Special Funds.

120. Constitution of Fines Fund.
120A. Constitution of Welfare Fund.
121. Special funds may be created with the approval of the corporation.

SECTIONS.

Disposal of Balances.

122. Investment of surplus moneys.

Accounts.

123. Accounts to be kept in forms prescribed by standing committee.
123A. Separate *pro forma* accounts to be kept by the Commissioner.
123B Separate *pro forma* accounts in respect of the suburbs to be kept.
123C. Accounts in respect of primary education.
124. Preparation of annual administration report and statement of accounts.

Annual Budget-Estimate.

125. Estimates of expenditure and income to be prepared annually by the Commissioner.
125A. Classification of budget heads.
126. Budget estimates to be prepared by the standing committee.
126A. Estimates of expenditure and income of the Bombay Electric Supply and Transport undertaking to be prepared annually by General Manager.
126B. Budget estimate C to be prepared by Bombay Electric Supply and Transport Committee.
126C. Estimates of expenditure and receipts of primary education.
126D. Budget estimate E to be prepared by Education Committee.
127. Consideration of Budget-estimates by Corporation.
128. Fixing of rates of taxes.
129. Final adoption of budget-estimates.
130. Budget-grant defined.
131. Corporation may increase amount of budget-grants and make additional grants.
132. Rules as to unexpended budget-grants.
133. Reductions or transfers.
134. Re-adjustment of income and expenditure to be made by the Corporation during course of official year whenever necessary.

Scrutiny and Audit of Accounts.

135. Weekly scrutiny of accounts by municipal chief auditor and scrutiny of accounts by the standing committee.
136. Duties and powers of the municipal chief auditor.
137. Report by the municipal chief auditor.
137A. Application of sections 135, 136 and 137 to accounts of the Bombay Electric Supply and Transport Fund.
138. A special audit may be directed by State Government.

CHAPTER VII.

MUNICIPAL TAXATION.

Municipal Taxes defined.

139. Taxes to be imposed under this Act.

Property-taxes.

Property-taxes leviable.

140. Property-taxes of what to consist, and at what rates leviable.
Water-tax.
Halalkhor-tax.
General-tax.
141. Water-tax on what premises to be levied.
142. Halalkhor-tax on what premises to be levied.
143. General tax on what premises to be levied.

SECTIONS.
144. Payment to be made to the corporation in lieu of the general tax by the Central Government, or the State Government, as the case may be.
145. Amendment of section 36, Bombay Act VI of 1879.

Liability for Property-taxes.

146. Primary responsibility for property-taxes on whom to rest.
147. Apportionment of responsibility for property-tax when the premises assessed are let or sub-let.
148. Person primarily liable for property-tax entitled to credit, if he is a rent-payer.

Notice of transfer, etc., of premises assessable to Property-taxes.

149. Notice to be given to the Commissioner of all transfers of title of persons primarily liable to payment of property-tax.
150. Form of notice.
151. Liability for payment of property-taxes to continue in the absence of any notice of transfer.
152. Notice to be given to the Commissioner of the erection of a new building, etc.
153. Notice to be given to the Commissioner of demolition or removal of a building.

Valuation of property assessable to Property-taxes.

154. Rateable value how to be determined.
155. Commissioner may call for information or returns from owner or occupier or enter and inspect assessable premises.

Assessment-book.

156. Assessment-book what to contain.
157. The assessment-book to be made separately for each ward and in parts, if necessary.
158. Treatment of property which is let two or more persons in separate occupancies. Allowance of drawback in such cases.
159. Person primarily liable for property-taxes how to be designated, if his name cannot be ascertained.
Occupier liable for property-taxes until he gives information.
160. Public notice to be given when valuation of property in any ward has been completed.
161. Assessment-book to be open to inspection.
162. Time for filing complaints against valuations to be publicly announced. Special notices to be issued in certain cases.
163. Time and manner of filing complaints against valuation.
164. Notice to complainants of day fixed for investigating their complaints.
165. Hearing of complaint.
166. Authentication of ward assessment-books when all complaints have been disposed of.
167. Assessment-book may be amended by the Commissioner during the official year.
168. New assessment-book need not be prepared every official year.

Special Provisions concerning the Water and Halalkhor Taxes.

169. A charge by measurement or a periodical lump payment may be substituted for the water-tax.
170. Government and the Port Trust to be charged for water by measurement.
171. Supply of water at public drinking fountains, etc., not to be taxed.

SECTIONS.

172 Halalkhor-tax may be fixed at special rates in certain cases.
173 Water-tax water charges or halalkhor-tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.
173A. Owner of premises entitled to recover water charges from occupiers of tenements.
173B. Water charges paid by owners but not recovered from occupiers not to operate to diminish annual rent for purposes of section 154.

Refund of Property taxes for Vacancies.

174 Refund of water and halalkhor-taxes when and to what extent obtainable.
175 Refund of general tax when and to what extent obtainable.
176 Refund not claimable unless notice of vacancy is given to the Commissioner.
177. Refund of water-tax inadmissible unless application for stopping water-supply has been made.
178. Refund of general tax inadmissible when drawback has been sanctioned.
179. Applications for refund when and how to be made.

Tax on Vehicles and Animals.

180. Tax on what vehicles and animals to be levied.
181. Exemptions from the tax.
182. Persons responsible for the payment of the tax.
183. [*Repealed.*]
184. [*Repealed.*]
185. Livery-stable-keepers and others may be compounded with.
186. Vehicle and animal tax book to be kept.
187. Returns may be called for from owners of premises and persons supposed to be liable to the tax.
188. Notice to be given to Commissioner by a person who becomes owner or possesser of a vehicle or animal in respect of which liability arises, etc.
189. Power to inspect stables and summon persons liable to the tax.
190. Refund of tax on vehicles and animals when and to what extent obtainable.
191. Refund not claimable unless notice is given to the Commissioner.

Dogs.

191A. Tax on dogs.
191B. Licence and number ticket for and disposal of dogs.
191BB. Exemption of dogs kept by certain Consular Officers.
191C. Protection of persons acting in good faith.
191D. Certain sections not to apply.

Theatre Tax.

Tax on cinemas, theatres, circuses, carnivals and other performances or shows.

191E. Theatre tax.
191F. Liability to pay theatre tax.
191G. Register of persons liable to pay theatre tax.

SECTIONS.

191H. Returns by persons liable to theatre tax.
191I. Power of inspection.
191J. Notice of demand.
191K. Rules governing theatre tax.

Town duties.

192. Town duties at what rates and on what articles leviable.
193. Table of rates of town duties to be affixed on certain places.
194. Exemption of articles belonging to the Government from town-duty.
Refund of town-duty on articles which become the property of the Government after importation.
194-1A. Exemption of articles belonging to certain Consular Officers from town-duty.
194A. Exemption of articles imported for immediate exportation.
195. Refund of town-duty on export.
195A. [*Repealed.*]
195B. [*Repealed.*]
195C. Accounts to be kept; exercise by corporation of option to take over arbitration.
195D. Definition of loan.

Education Cess.

195E. Levy of education cess.
195F. Proportional recovery of education cess from tenants permitted.

Supplementary Taxation.

196 Any tax imposable under this Act may be increased by way of imposing supplementary taxation.

Collection of Taxes

197. Property-taxes payable half-yearly in advance.
198. Tax on vehicles, animals and public conveyances payable in advance.
199. Town-duties payable on demand.
200. Service of bills for certain taxes.
201. When one bill may be served for several claims.
202. Notice of demand.
203. Distress and attachment.
204 Goods of defaulter may be distrained, wherever found.
205. Inventory and notice of distress and sale.
206. Sale.

SECTIONS.

207. Fees for distraints and attachments and maintenance of animals.
207A. Penalty.
208. Fees for cost of recovery and penalty may be remitted.
208A. Seizure of vehicles and animals if tax on vehicles and animals not paid and number-plate not obtained.
209. When occupiers may be held liable for payment of property-taxes.
210. Summary proceedings may be taken against persons about to leave Greater Bombay.
211. Defaulters may be sued for arrears, if necessary.
212. Property-taxes to be a first charge on premises on which they are assessed.
213. Collection of town-duties how to be effected.
214 [*Repealed.*]
215. Powers of persons authorised to collect and refund Town duties.
216. Writing-off of irrecoverable taxes.

Appeals against Valuations and Taxes.

217. Appeals when and to whom to lie.
218. Cause of complaint when to be deemed to have accrued.
218A. Arbitration.
218B. Appointment of expert valuer.
218C. Reference to High Court.
218D. Appeals.
218E. Costs of proceedings in appeal.
219. Unappealed values and taxes and decisions on appeal to be final.

CHAPTER IX.

DRAINS AND DRAINAGE WORKS.

Municipal Drains.

220. Municipal drains to be under the control of the Commissioner.
220A. Vesting of water-courses.
221. Drains to be constructed and kept in repair by the Commissioner.
222. Powers for making drains.

SECTIONS.

113. How the fund shall be drawn against.
114. Deposit of portion of the municipal fund may be made with bank or agency out of Bombay when convenient.
115. Only sums covered by a budget-grant to be expended from the municipal fund.
Exceptions.
116. Drafts on the municipal fund to be checked by members of the standing committee.
117. Procedure when money not covered by a budget-grant is expended under clause (*e*), (*f*), (*g*) or (*h*) of section 115.
118. Purposes for which the municipal funds is to be applied.
118A. Municipal fund where to be expended.
119. Temporary payments from the municipal fund for works urgently required for public service.

Special Funds.

120. Constitution of Fines Fund.
120A. Constitution of Welfare Fund.
121. Special funds may be created with the approval of the corporation.

SECTIONS.

Disposal of Balances.

122. Investment of surplus moneys.

Accounts.

123. Accounts to be kept in forms prescribed by standing committee.
123A. Separate *pro forma* accounts to be kept by the Commissioner.
123B Separate *pro forma* accounts in respect of the suburbs to be kept.
123C. Accounts in respect of primary education.
124. Preparation of annual administration report and statement of accounts.

Annual Budget-Estimate.

125. Estimates of expenditure and income to be prepared annually by the Commissioner.
125A. Classification of budget heads.
126. Budget estimates to be prepared by the standing committee.
126A. Estimates of expenditure and income of the Bombay Electric Supply and Transport undertaking to be prepared annually by General Manager.
126B. Budget estimate C to be prepared by Bombay Electric Supply and Transport Committee.
126C. Estimates of expenditure and receipts of primary education.
126D. Budget estimate E to be prepared by Education Committee.
127. Consideration of Budget-estimates by Corporation.
128. Fixing of rates of taxes.
129. Final adoption of budget-estimates.
130. Budget-grant defined.
131. Corporation may increase amount of budget-grants and make additional grants.
132. Rules as to unexpended budget-grants.
133. Reductions or transfers.
134. Re-adjustment of income and expenditure to be made by the Corporation during course of official year whenever necessary.

Scrutiny and Audit of Accounts.

135. Weekly scrutiny of accounts by municipal chief auditor and scrutiny of accounts by the standing committee.
136. Duties and powers of the municipal chief auditor.
137. Report by the municipal chief auditor.
137A. Application of sections 135, 136 and 137 to accounts of the Bombay Electric Supply and Transport Fund.
138. A special audit may be directed by State Government.

CHAPTER VII.

MUNICIPAL TAXATION.

Municipal Taxes defined.

139. Taxes to be imposed under this Act.

Property-taxes.

Property-taxes leviable.

140. Property-taxes of what to consist, and at what rates leviable.
Water-tax.
Halalkhor-tax.
General-tax.
141. Water-tax on what premises to be levied.
142. Halalkhor-tax on what premises to be levied.
143. General tax on what premises to be levied.

SECTIONS.

144. Payment to be made to the corporation in lieu of the general tax by the Central Government, or the State Government, as the case may be.
145. Amendment of section 36, Bombay Act VI of 1879.

Liability for Property-taxes.

146. Primary responsibility for property-taxes on whom to rest.
147. Apportionment of responsibility for property-tax when the premises assessed are let or sub-let.
148. Person primarily liable for property-tax entitled to credit, if he is a rent-payer.

Notice of transfer, etc., of premises assessable to Property-taxes.

149. Notice to be given to the Commissioner of all transfers of title of persons primarily liable to payment of property-tax.
150. Form of notice.
151. Liability for payment of property-taxes to continue in the absence of any notice of transfer.
152. Notice to be given to the Commissioner of the erection of a new building, etc.
153. Notice to be given to the Commissioner of demolition or removal of a building.

Valuation of property assessable to Property-taxes.

154. Rateable value how to be determined.
155. Commissioner may call for information or returns from owner or occupier or enter and inspect assessable premises.

Assessment-book.

156. Assessment-book what to contain.
157. The assessment-book to be made separately for each ward and in parts, if necessary.
158. Treatment of property which is let two or more persons in separate occupancies. Allowance of drawback in such cases.
159. Person primarily liable for property-taxes how to be designated, if his name cannot be ascertained.
Occupier liable for property-taxes until he gives information.
160. Public notice to be given when valuation of property in any ward has been completed.
161. Assessment-book to be open to inspection.
162. Time for filing complaints against valuations to be publicly announced. Special notices to be issued in certain cases.
163. Time and manner of filing complaints against valuation.
164. Notice to complainants of day fixed for investigating their complaints.
165. Hearing of complaint.
166. Authentication of ward assessment-books when all complaints have been disposed of.
167. Assessment-book may be amended by the Commissioner during the official year.
168. New assessment-book need not be prepared every official year.

Special Provisions concerning the Water and Halalkhor Taxes.

169. A charge by measurement or a periodical lump payment may be substituted for the water-tax.
170. Government and the Port Trust to be charged for water by measurement.
171. Supply of water at public drinking fountains, etc., not to be taxed.

SECTIONS.

172 Halalkhor-tax may be fixed at special rates in certain cases.
173 Water-tax water charges or halalkhor-tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.
173A. Owner of premises entitled to recover water charges from occupiers of tenements.
173B. Water charges paid by owners but not recovered from occupiers not to operate to diminish annual rent for purposes of section 154.

Refund of Property taxes for Vacancies.

174 Refund of water and halalkhor-taxes when and to what extent obtainable.
175 Refund of general tax when and to what extent obtainable.
176 Refund not claimable unless notice of vacancy is given to the Commissioner.
177. Refund of water-tax inadmissible unless application for stopping water-supply has been made.
178. Refund of general tax inadmissible when drawback has been sanctioned.
179. Applications for refund when and how to be made.

Tax on Vehicles and Animals.

180. Tax on what vehicles and animals to be levied.
181. Exemptions from the tax.
182. Persons responsible for the payment of the tax.
183. [*Repealed.*]
184. [*Repealed.*]
185. Livery-stable-keepers and others may be compounded with.
186. Vehicle and animal tax book to be kept.
187. Returns may be called for from owners of premises and persons supposed to be liable to the tax.
188. Notice to be given to Commissioner by a person who becomes owner or possesser of a vehicle or animal in respect of which liability arises, etc.
189. Power to inspect stables and summon persons liable to the tax.
190. Refund of tax on vehicles and animals when and to what extent obtainable.
191. Refund not claimable unless notice is given to the Commissioner.

Dogs.

191A. Tax on dogs.
191B. Licence and number ticket for and disposal of dogs.
191BB. Exemption of dogs kept by certain Consular Officers.
191C. Protection of persons acting in good faith.
191D. Certain sections not to apply.

Theatre Tax.

Tax on cinemas, theatres, circuses, carnivals and other performances or shows.

191E. Theatre tax.
191F. Liability to pay theatre tax.
191G. Register of persons liable to pay theatre tax.

SECTIONS.

191H. Returns by persons liable to theatre tax.
191I. Power of inspection.
191J. Notice of demand.
191K. Rules governing theatre tax.

Town duties.

192. Town duties at what rates and on what articles leviable.
193. Table of rates of town duties to be affixed on certain places.
194. Exemption of articles belonging to the Government from town-duty.
Refund of town-duty on articles which become the property of the Government after importation.
194-1A. Exemption of articles belonging to certain Consular Officers from town-duty.
194A. Exemption of articles imported for immediate exportation.
195. Refund of town-duty on export.
195A. [*Repealed.*]
195B. [*Repealed.*]
195C. Accounts to be kept; exercise by corporation of option to take over arbitration.
195D. Definition of loan.

Education Cess.

195E. Levy of education cess.
195F. Proportional recovery of education cess from tenants permitted.

Supplementary Taxation.

196 Any tax imposable under this Act may be increased by way of imposing supplementary taxation.

Collection of Taxes

197. Property-taxes payable half-yearly in advance.
198. Tax on vehicles, animals and public conveyances payable in advance.
199. Town-duties payable on demand.
200. Service of bills for certain taxes.
201. When one bill may be served for several claims.
202. Notice of demand.
203. Distress and attachment.
204 Goods of defaulter may be distrained, wherever found.
205. Inventory and notice of distress and sale.
206. Sale.

SECTIONS.

207. Fees for distraints and attachments and maintenance of animals.
207A. Penalty.
208. Fees for cost of recovery and penalty may be remitted.
208A. Seizure of vehicles and animals if tax on vehicles and animals not paid and number-plate not obtained.
209. When occupiers may be held liable for payment of property-taxes.
210. Summary proceedings may be taken against persons about to leave Greater Bombay.
211. Defaulters may be sued for arrears, if necessary.
212. Property-taxes to be a first charge on premises on which they are assessed.
213. Collection of town-duties how to be effected.
214 [*Repealed.*]
215. Powers of persons authorised to collect and refund Town duties.
216. Writing-off of irrecoverable taxes.

Appeals against Valuations and Taxes.

217. Appeals when and to whom to lie.
218. Cause of complaint when to be deemed to have accrued.
218A. Arbitration.
218B. Appointment of expert valuer.
218C. Reference to High Court.
218D. Appeals.
218E. Costs of proceedings in appeal.
219. Unappealed values and taxes and decisions on appeal to be final.

CHAPTER IX.

DRAINS AND DRAINAGE WORKS.

Municipal Drains.

220. Municipal drains to be under the control of the Commissioner.
220A. Vesting of water-courses.
221. Drains to be constructed and kept in repair by the Commissioner.
222. Powers for making drains.

SECTIONS.

223. Buildings, etc., not to be erected without permission over drains.
224. Alteration and discontinuance of drains.
225. Cleansing drains.
226. [*Repealed.*]

Drains of private Streets and Drainage of Premises.

227. Power to connect drains of private streets with municipal drains.
228. Power of owners and occupiers of premises to drain into municipal drains.
229. Connections with municipal drains not to be made except in conformity with section 227 or 228.
229A. Buildings, etc., not to be erected without permission over any drains.
230. Right of owners and occupiers of premises to carry drains through land belonging to other persons.
230A. Owner of land to allow others to carry drains through the land.
231. Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.
232. Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.
232A. Power of Commissioner to drain premises in combination.
233. Commissioner may close or limit the use of existing private drains.
233A. Vesting and maintenance of drains for sole use of properties.
234. New building not to be erected without drains.
235. Excrementitious matter not to be passed into cesspool.
236. Obligation of owners of drains to allow use thereof or joint ownership therein to others.
237. How right of use or joint ownership of a drain may be obtained by a person other than the owner.
238. Commissioner may authorize person other than the owner of a drain to use the same or declare him to be a joint owner thereof.
239. Sewage and rain-water drains to be distinct.
240. Drains not to pass beneath buildings.
241. Position of cesspools.
242. Right of corporation to drains, etc., constructed, etc., at charge of municipal fund on premises not belonging to the corporation.
243. All drains and cesspools to be properly covered and ventilated.
244. Affixing of pipes for ventilation of drains, etc.

Disposal of Sewage.

245. Appointment of places for emptying of drains and disposal of sewage.
246. Provision of means for disposal of sewage.

Water-closets, Privies, Urinals, etc.

246A. Construction of water-closets and privies.
247. Water-closets and other accommodation in buildings newly errected or re-erected.
248. Where there is no such accommodation, or the accommodation is insufficient or objectionable.
249. Power to require privy accommodation to be provided for factories, etc.
249A. Power of Commissioner as to unhealthy privies.
250. Provisions as to privies.
251. Provisions as to water-closets.

SECTIONS.

251A. Position of privies and water-closets.
251B. Use of places for bathing or washing clothes or domestic utensils.
252. Public necessaries.

Inspection.

253. Drains etc., not belonging to the corporation to be subject to inspection and examination.
254. Power to open ground, etc., for purposes of such inspection and examination.
255. When the expenses of inspection and examination are to be paid by the Commissioner.
256. When the expenses of inspecton and examination are to be paid by the owner.
257. Commissioner may require repairs, etc., to be made.
257A. Cost of inspection and execution of works in certain cases.

General Provisions.

258. Prohibition of acts contravening the provision of this Chapter or done without sanction.
259. When materials and work may be supplied and done under this Chapter for any person by the Commissioner.
259A. Work to be done by licensed plumber : permission to use as drain.
260. Commissioner may execute certain works under this Chapter without allowing option to persons concerned of executing the same.
Expenses in such cases by whom to be paid.

CHAPTER X.

WATER-SUPPLY.

Construction and Maintenance of Municipal Water-Works.

260A. Definitions.
261. General powers for supplying the city with water.
262. Municipal water-works to be managed and kept in repair by the Commissioner.
263. Power of access to municipal water-works.
264. Inspection of municipal water-works by persons appointed by Provincial Government.
265. Power of carrying water-mains, etc.
266. Fire-hydrants to be provided.
267. Prohibition of building and other acts which would injure sources of water supply.
268. Buildings, etc., not to be erected over municipal water-main without permission.

Public Gratuitous Water-supply.

269. Vesting of public drinking-fountains, etc., in the corporation.
270. Public drinking fountains etc., may be set apart for particular purposes.

SECTIONS.

Private Water-supply.

270A. Premises not to be occupied without Commissioner's Certificate in respect of adequate water-supply.
271. Applications for private water-supply from whom to be received.
Commissioner may in certain cases require owners to obtain private water-supply.
272. Making and renewing connection with municipal water-works
273. Commissioner may take charge of private connections.
273A. Power of Commissioner to alter position of connections.
274. Provisions as to cisterns and other fittings, etc., to be used for connections with water-works.
274A. Provision for keeping cisterns locked.
275. Communication-pipes, etc. to be kept in efficient repair by owner or occupier of premises.
276. Provision of meters when water is supplied by measurement.
277. Register of meter to be evidence.

Inspection.

278. Commissioner, etc., may inspect premises in order to examine meter, communication-pipes, etc.

Cutting off private water-supply.

279. Power to cut off private water-supply or to turn off water.
280. Conditions as to use of water not to be contravened.
280A. Powers of Commissioner to carry private mains through land belonging to other persons.
281. Water pipes, etc., not to be placed where water will be polluted.
282. Prohibition of fraudulent and unauthorized use of water.
283. Prohibition of fraud in respect of meters.

General Provisions.

284. Prohibition of wilful or neglectful acts relating to water-works.
285. Compensation to be payable by offenders against section 283 or 284.
286. What persons to be liable for offences under certain provisions of this Chapter.
287. When materials and works may be supplied and done under this Chapter for any person by the Commissioner.
287A. Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.
287B. Work under Chapter X to be done by licensed plumber.
288. Power to supply water without Greater Bombay.

CHAPTER XI.

REGULATION OF STREETS.

Construction, Maintenance and Improvement of Public Streets.

289. Vesting of public streets in the corporation.
Powers of Commissioner in respect of public streets.
290. Disposal of land forming site of closed streets.
291. Power to make new public streets.
292. Saving of provisions of sections 37 and 38, Bombay Act VI of 1879.
293. [*Repealed.*]

SECTIONS.

294. Minimum width of new public streets.
295. Power to construct or adopt public bridges, etc., over or under railways, etc.
296. Power to acquire premises for improvement of public streets.

Preservation of Regular Line in Public Streets.

297. Prescribing the regular line of a street.
298. Setting back buildings to regular line of the street.
299. Acquisition of open land or of land occupied by platforms, etc., within the regular line of a street.
300. Setting forward of buildings to regular line of the street.
301. Compensation to be paid in cases under the three last sections.

Provisions concerning private streets.

302. Notice to be given to Commissioner of intention to layout lands for building and for private streets.
302A. Commissioner may call for further particulars.
302B. Commissioner may require plans to be prepared by licensed surveyor.
303. Laying out of land, private streets and buildings to be determined by Commissioner.
304 Land not to be appropriated for building and private street not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.
305. Levelling and draining of private streets.
306. Power to declare private streets, when sewered, etc., public streets.
307. Applicability of sections 305 and 306 when a street is in part public and in part private.

Projections and Obstructions.

308. Prohibition of projections upon streets, etc.
Power to require removal of the same.
309. Power to require removal or alteration of structures etc., in suburbs.
310. Projections over streets may be permitted in certain cases.
311. Ground floor doors, etc., not to open outwards on streets.
312. Prohibition of structures or fixtures which cause obstruction in streets.
313. Prohibition of deposit, etc., of things, in streets.
313A. Licence for sale in public places.
313B. Licences for use of skill in handicraft or rendering services for purposes of gain in public place or street.
314. Commissioner may, without notice, remove anything erected in contravention of section 312, after it comes into force or deposited, etc., in contravention of section 313.
315. Power to require removal of any structure or fixture erected or set up before section 312 came into force.
316. Prohibition of the tethering of animals in the public streets.

Temporary Erections on Streets during Festivals.

317. Commissioner may permit booths, etc., to be erected on streets on festivals.

Provisions concerning execution of works in or near to Streets.

318. Street when broken up for any municipal purpose to be restored without delay.
319. Commissioner may close street in which work is in progress.
320. Commissioner to provide for traffic, etc., pending execution of municipal work in any street.

SECTIONS.

321. Precautions to be taken for the public safety whilst municipal works are in progress in any street.
322. Streets not to be opened or broken up and building materials not to be deposited thereon without permission.
323. Precautions for public safety to be taken by persons to whom permission is granted under section 322.
324. Persons to whom permission is granted under section 322 must reinstate streets, etc.
325. Provisions to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt streets.
326. Hoards to be set up during work on any building adjacent to a street.

Naming of Streets, etc.

327. Naming streets and numbering of houses.

Sky-signs and Advertisements.

328. Regulations as to sky-signs.
328A. Regulation and control of advertisements.

Dangerous Places.

329. Commissioner to take proceedings for repairing or enclosing dangerous places.

Lighting of Streets.

330. Public streets to be lighted.
331. Prohibition of removal, etc., of lamps.
332. Persons accidentally breaking lamp to repair the damage.
333. Manner of laying gas-pipes.
334. Situation of gas-pipes, etc., may be altered by Commissioner.
335. Buildings, etc., not to be erected without permission over municipal gas pipes.

Watering of Streets.

336. Measures for watering.

CHAPTER XII.

BUILDING REGULATIONS.

Notices regarding Erection of Buildings.

337. Notice to be given to Commissioner of intention to erect a building.
338. Commissioner may require plans and other documents to be furnished.
339. Commissioner may require plans, etc., submitted under last preceding section, to be prepared by a licensed surveyor.
340. Additional information and the attendance of the person who gave the notice may be required.
341. Effect of non-compliance with requisition under sections 338 to 340.

Notices regarding Execution of Works not amounting to the Erection of a Building.

342. Notice to be given to the Commissioner of intention to make additions, etc., to a building.
343. Plans and additional information may be called for.

SECTIONS.

Forms of Notices.

344. Printed forms of notices to be supplied to the public.

Commencement of Work.

344A. Supervision of buildings and works.
345. When building or work may be proceeded with.
346. Buildings or work which is disapproved by the Commissioner may be proceeded with, subject to terms.
347. When work may be commenced.
347A. Building not to be converted to other purposes without the permission of the Commissioner.
347B. Building for human habitation not to be used as godown, etc.
347C. No alterations to be made in buildings for human habitation without written permission of Commissioner.

Provisions as to Structure, Materials, etc.

348. Provisions as to buildings which are to be newly erected.
349. Roofs and external walls of buildings not to be of inflammable material.
349A. Maximum height of buildings.
349B. Height of buildings with reference to width of streets ; proviso in case of set-back.
349C. Frame-Buildings.
349D. Provision of sufficient means of egress.
349E. Special conditions with respect to erection or re-erection of buildings, maximum heights of buildings, etc., in suburbs.

Inspection.

350. Inspection of buildings in course of erection, alteration, etc.
351. Proceedings to be taken in respect of building or work commenced contrary to section 347.
352. Buildings or works commenced contrary to section 347 may be cut into and laid open for purpose of inspection.
353. Enforcement of provisions concerning buildings and works.
353A. Completion certificates : permission to occupy or use.

Dangerous Structures.

354. Removal of structures, etc., which are in ruins or likely to fall.

Works unlawfully carried on.

354A. Power of Commissioner to stop erection of building or work commenced or carried on unlawfully.

Regulation of certain classes of buildings in particular localities.

354AA. Power to regulate future construction of certain classes of buildings in particular streets or localities.

CHAPTER XII-A

CITY IMPROVEMENT.

354B. Transfer of rights, etc., of the Board to the corporation.

Improvement Schemes.

354C. Commissioner to make a draft improvement scheme.
354CC. No improvement schemes for areas for which housing schemes sanctioned under Bombay LXIX of 1948.

SECTIONS.

354D. Improvements Committee to consider and approve draft scheme submitted by Commissioner.
354E. Particulars to be provided for in an improvement scheme.
354F. Considerations which shall prevail in making the scheme.
354G. Procedure on completion of the scheme.
354H. Right of owner to demand acquisition on issue of notification when building operations are in progress.
354I. Right of owner to demand acquisition or withdrawal by the corporation after the lapse of two years from the date of notification.
354J. The Improvements Committee after publication and service of notices to forward the scheme to the corporation for approval.
354K. Corporation to consider the improvement scheme and to approve or disapprove.
354L. Commissioner to apply to State Government for sanction to the scheme.
354M. On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration the Commissioner to be authorised to execute the scheme.
354N. If the corporation fail to acquire the land owner may call upon Committee to acquire it or to withdraw from the proposals.

Police Accommodation Schemes.

354O. The Corporation to have power to make a police accommodation scheme.
354P. Procedure on completion of a scheme.
354Q. Vesting of land in corporation.

Clearance areas.

354R. Power to declare an area to be a clearance area.
354RA. Clearance orders.
354RB. Acquisition of land surrounded by or adjoning a clearance area.
354RC. Provisions with respect of property belonging to the corporation within, surrounded by or adjoining a clearance area.
354RD. Acquisition of land in a clearance area.
354RE. Treatment of a clearance area.
354RF. Arrangements where acquisition of land in a clearance area found to be unnecessary.
354RG. Power to acquire cleared land which owners have failed to redevelop.
354RH. Power of Court to determine lease where premises demolished.

Re-development areas.

354RI. Power to declare an area to be a re-development area.
354RJ. Re-development plan.
354RK. Acquisition of land for purposes of re-development.

General provisions as to land purchased for clearance or re-development.

354RL. Extinguishment of ways, easements, etc., over land acquired under sections 354RD, 354RG, and 354R K.

Provision of housing accommodation for the poorer classes.

SECTIONS

354RM. Mode of provision of accommodation.
354RN. Power of Commissioner to acquire land for housing accommodation.
354RO. Mode of acquisition of land for housing accommodation.
354RP. Power of dealing with land acquired or appropriated for provision of housing accommodation.
354RQ. Supplementary powers in connection with provision of accommodation.

Land Acquisition.

354S. Extent to which land Acquisition Act shall apply to acquisition of land otherwise than by agreement.
354SA. Determination by a special Tribunal in certain cases.
354T. Special provisions as to compensation.
354U. Collector to take possession after making an award and transfer land to corporation.

Levy of betterment charges.

354UA. Condition for levying betterment charge in clearance and re-development areas.
354UB. Method of calculating charge
354UC. Procedure for determining charge.
354V. Compensation to corporation on resumption of certain land.

Building Loans.

354W. Power to grant loans for building purposes.
354WA. Power of Commissioner to make advances for the purposes of increasing housing accommodation.
354WB. Power of Commissioner to promote and assist housing associations.

Provisions relating to lands comprised in Schedules W, Y and Z.

354WC. Compensation to corporation on resumption of certain land.
354X. Payment to be made by State Government.

CHAPTER XIII.

LICENSING OF SURVEYORS AND PLUMBERS.

355. Grant of licences to surveyors and plumbers.
356. Regulations may be prescribed for guidance of licensed surveyors and plumbers.
357. Fees and charges of licensed plumbers to be prescribed by the standing committee.
358. Licensed plumbers to be bound to execute work properly.

SECTIONS.

223. Buildings, etc., not to be erected without permission over drains.
224. Alteration and discontinuance of drains.
225. Cleansing drains.
226. [*Repealed.*]

Drains of private Streets and Drainage of Premises.

227. Power to connect drains of private streets with municipal drains.
228. Power of owners and occupiers of premises to drain into municipal drains.
229. Connections with municipal drains not to be made except in conformity with section 227 or 228.
229A. Buildings, etc., not to be erected without permission over any drains.
230. Right of owners and occupiers of premises to carry drains through land belonging to other persons.
230A. Owner of land to allow others to carry drains through the land.
231. Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.
232. Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.
232A. Power of Commissioner to drain premises in combination.
233. Commissioner may close or limit the use of existing private drains.
233A. Vesting and maintenance of drains for sole use of properties.
234. New building not to be erected without drains.
235. Excrementitious matter not to be passed into cesspool.
236. Obligation of owners of drains to allow use thereof or joint ownership therein to others.
237. How right of use or joint ownership of a drain may be obtained by a person other than the owner.
238. Commissioner may authorize person other than the owner of a drain to use the same or declare him to be a joint owner thereof.
239. Sewage and rain-water drains to be distinct.
240. Drains not to pass beneath buildings.
241. Position of cesspools.
242. Right of corporation to drains, etc., constructed, etc., at charge of municipal fund on premises not belonging to the corporation.
243. All drains and cesspools to be properly covered and ventilated.
244. Affixing of pipes for ventilation of drains, etc.

Disposal of Sewage.

245. Appointment of places for emptying of drains and disposal of sewage.
246. Provision of means for disposal of sewage.

Water-closets, Privies, Urinals, etc.

246A. Construction of water-closets and privies.
247. Water-closets and other accommodation in buildings newly errected or re-erected.
248. Where there is no such accommodation, or the accommodation is insufficient or objectionable.
249. Power to require privy accommodation to be provided for factories, etc.
249A. Power of Commissioner as to unhealthy privies.
250. Provisions as to privies.
251. Provisions as to water-closets.

SECTIONS.

CHAPTER XIV.

MUNICIPAL FIRE-BRIGADE.

359. Maintenance of firemen and of necessary fire-engines, etc.
360. Power to make regulations for fire-brigade.
361. Powers of chief officer of fire-brigade at a fire.
362. Police and municipal officers and servants to aid the fire-brigade.
363. Damages done by fire-brigade to be deemed damage bv fire.
364. Reports of fires to be submitted.

CHAPTER XV.

SANITARY PROVISIONS.

Scavenging and Cleansing.

365. Commissioner to provide for cleansing of streets and removal of refuse.
366. Refuse, etc., to be the property of the corporation.
367. Provision and appointment of receptacles, depots and places for refuse, etc.
368. Duty of owners and occupiers to collect and deposit dust, etc.
369. Provision may be made by Commissioner for collection etc., of excrementitious and polluted matter.
370. Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.
371. Halalkhor's duties in certain cases may not be discharged by private individuals without the Commissioner's permission.
372. Prohibition of—
failure to remove refuse, etc., when bound to do so :
removal of refuse, etc., contrary to orders, or without proper precautions ;
failure to clear away any refuse, etc., which drops during removal ;
leaving filth carts, etc., unnecessarily in the streets ;
throwing or placing refuse, etc., in any place not assigned for the purpose ;
allowing filthy matter to flow or soak from any premises, and keeping anything thereupon so as to create a nuisance.
373. Presumption as to offender under clause (*e*) of section 372.

Inspection and Sanitary Regulation of Premises.

374. Power to inspect premises for sanitary purposes.
375. Cleansing and lime-washing of any building may be required.
375A. Removal of building materials from any premises may be required.
376. Abandoned or unoccupied premises.
377. Neglected premises.
Neglected private streets.
377A. Nuisance arising from defective roof.

SECTIONS.

378. Buildings or rooms in buildings unfit for human habitation.
378A. Power to require repair of insanitary buildings.
378B. Power to order demolition of insanitary buildings.
378C. Procedure where demolition order made.
378D. Regulations to determine the fitness of a building.
378E. Power to order demolition of obstructive building.
378F. Effect of order for demolition of obstructive building.
378G. Compensation for acquiring obstructive building recoverable in certain cases as improvement expenses.
378H. Appeal against demolition orders.
378I. Prohibition of back to back buildings.
379. Power of Commissioner to call for statement of accommodation.
379A. Overcrowded dwellings.
380. Insanitary huts and sheds.
381. Filling in of pools, etc., which are a nuisance.
381A Permission for new well, etc.
382. Dangerous quarrying may be stopped.
383. Removal and trimming of trees, shrubs and hedges.

Keeping and Destruction of Animals and Disposal of Carcasses.

384. Prohibitions as to keeping animals.
384A Stabling animals or storing grain in dwelling house may be prohibited.
385. Removal of carcasses of dead animals.

Regulation of Public Bathing, Washing, etc.

386. Places for public bathing, etc., to be fixed by the Commissioner.
387. Regulation of use of public bathing-places, etc.
388. Prohibition of bathing, etc., contrary to order or regulation.
389. Prohibition of corruption of water by steeping therein animal or other matter, etc.

Regulation of Factories, Trades, etc.

390. Factory etc., not to be newly established without permission of the Commissioner.
391. Furnaces used in trade or manufacture to consume their own smoke.
392. Sanitary regulation of factories, etc.
393. Prohibition of use of steam whistle or steam trumpet without permission of the Commissioner.
394. Certain things not to be kept, and certain trades and operations not to be carried on, without a licence.
395. Prohibition of corruption of water by chemicals, etc
396. Inspection of premises used for manufactures, etc.
397. Regulation of washing of clothes by washermen ;
Washing places to be provided by the Commissioner for washermen.

SECTIONS.

Maintenance and Regulation of Markets and Slaughter-houses.

398. What to be deemed municipal markets and slaughter-houses.
399. Provision of new municipal markets and slaughter-houses.
400. Municipal markets and slaughter-houses may be closed.
401. Prohibition of sale in a municipal market without licence of Commissioner.
402. Opening of new private markets.
403. Private markets not to be kept or permitted to be kept open and no place to be used or permitted to be used as slaughter-house, without licence.
404. Prohibition of sale in unauthorised private markets.
405. Provision for requiring private market buildings and slaughter-houses to be properly paved and drained.
406. Regulations to be framed for markets and slaughter-houses.
407. Levy of stallages, rents and fees in municipal markets and slaughter houses.
407A. Removal of live cattle, sheep, goats or swine, from any municipal slaughter-house, market or premises.
408. Regulations and table of stallage-rents to be posted up in markets and slaughter houses.
409. Power to expel persons contravening by—laws or regulations.

Sale or Supply of Articles of Food outside of Markets.

410. Prohibition of sale or supply of animals, etc., except in market.

Licensing of Butchers, etc.

411. Butchers and persons who sell or supply the flesh of animals to be licensed.
412. Prohibition of import of cattle, etc. into the City without permission.
412A. Licence required for dealing in milk, etc.

Inspection of Places of Sale, etc.

413 Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.
414. Commissioner to provide for inspection of articles exposed for sale for human food.
415. Unwholesome articles, etc., to be seized.
416. Disposal of perishable articles seized under section 415.
417. Disposal of animals and articles of a non-perishable nature seized under section 415.
417A. [*Repealed.*]
417B. Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.
417C. Application for summons to be refused if not applied for within reasonable time.

SECTIONS.

Weights and Measures.

418. [*Repealed*].
419. [*Repealed.*]
420. [*Repealed.*]

Prevention of Spread of Dangerous Diseases.

421. Information to be given of existence of dangerous disease or continuous pyrexia of unknown origin.
422. Any place may at any time be inspected for purpose of preventing spread of dangerous disease.
423. Prohibition of use for drinking of water likely to cause dangerous disease.
424. Commissioner may order removal of patients to hospitals.
425. Disinfection of building, etc.
426. Destruction of huts and sheds, when necessary.
426A. Second-hand clothing and bedding not to be brought into city without informing Commissioner and getting them inspected.
427. Place for disinfection may be provided;
also for washing infected articles.
Infected articles may be destroyed.
428. Person suffering from dangerous disease not to enter a public conveyance without notifying the same.
429. Provision of carriages for conveyance of patients.
430. Provisions as to carriage of persons suffering from dangerous disease in public conveyances.
431. Public conveyance which has carried person suffering from dangerous disease to be disinfected.
432. Infected articles not to be transmitted, etc., without previous disinfection.
433. Infected building not to be left without being first disinfected.

Special Sanitary Measures.

434. Commissioner may take special measures on outbreak of any dangerous disease.

Disposal of the Dead.

435. Places for disposal of the dead to be registered.
436. Provision of new places for disposal of the dead.
437. New places for disposal of the dead not to be opened without permission of Commissioner.

SECTIONS.

438. Provincial Government may direct the closing of any place for the disposal of the dead.
439. Provincial Government may sanction the re-opening of places which have been closed for the disposal of the dead.
440. Burials within places of worship and exhumations not to be made without the permission of the Commissioner.
441. Acts prohibited in connection with the disposal of the dead.

CHAPTER XVI.

VITAL STATISTICS.

Registration of Births and Deaths.

442. Appointment of registrars.
443. Registrars to reside in their respective districts.
444. Register-books to be supplied.
445. Registrars to inform themselves of all births and deaths.
446. Information of birth to be given within seven days.
Saving for father of illegitimate child.
447. Information respecting finding of new-born child to be given.
448. Officers to be appointed to receive information of deaths at places for disposal of the dead.
449. Information of death to be given at the time when the corpse of the deceased is disposed of.
450. Medical practitioner who attended a deceased person to certify the cause of his death.
451. Preparation of register-books of deaths and of mortality returns, etc.
452. Correction of errors in registers of births or deaths.
453. Registration of name of child or of alteration of name.

Taking of Census.

454. Enumeration of inhabitants.
455. Commissioner to superintend the enumeration.
456. Delivery of blank schedules and returns.
457. Obligation to fill up blank schedules and returns.
458. Occupier to amend returns, if found defective.
459. Military, naval and police officers and certain others, if required, to act as enumerators.
460. Returns of houseless persons.

CHAPTER XVI-A.

THE BOMBAY ELECTRIC SUPPLY AND TRANSPORT UNDERTAKING.

The operation of the undertaking and the construction and maintenance of works.

460A. Management of Undertaking by General Manager.
460B. Power of access to works.
460C. Power of carrying, renewing and repairing works.
460D. Maintenance and repair of portion of street where tramway is laid.
460E. Conditions to be observed before new tramway is laid.
460F. Reservation of power over streets of Bombay Gas Co. Ltd.
460G. Restriction on building and other acts interfering with works of the undertaking.

Fixing Fares and Charges.

SECTIONS.

460H. Levy of fares and charges for transport services.
460I. Levy of charges for electricity.
460J. Continuation of existing fares and charges.

Contracts entered into for the purposes of the Undertaking.

460K. Making of contracts.
460L. Mode of executing contracts.
460M. Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.
460N. Security to be taken for performance of contracts.

Acquisition and disposal of Property.

460O. Acquisition of immovable property by agreement.
460P. Procedure when immovable property cannot be acquired by agreement.
460Q. Provisions governing disposal of municipal property.

Officers and Servants.

460R. Schedule of permanent officers and servants to be prepared by General Manager and sanctioned by Bombay Electric Supply and Transport Committee.
460S. Restriction on appointment of permanent officers and servants.
460T. Creation of temporary posts.
460U. Power of appointment in whom to vest.
460V. Bombay Electric Supply and Transport Committee to frame service regulations.
460W. Power of suspending, punishing and dismissing in whom to vest.
460X. Leave of absence.
460Y. Acting appointments.

REVENUE AND EXPENDITURE.

The Bombay Electric Supply and Transport Fund.

460Z. Constitution of Bombay Electric Supply and Transport Fund.
460AA. General Manager to receive payments on account of Bombay Electric Supply and Transport Fund and to lodge them in bank.
460BB. How Bombay Electric Supply and Transport Fund shall be drawn against.
460CC. Deposit of portion of Bombay Electric Supply and Transport Fund may be made with bank or agency out of Bombay when convenient.
460DD. Only sums covered by budget grant to be expended from Bombay Electric Supply and Transport Fund.
460EE. Drafts on Bombay Electric Supply and Transport Fund to be checked by members of Bombay Electric Supply and Transport Committee.
460FF. Procedure when money not covered by budget grant is expended under clause (*c*) or (*d*) of the proviso to sub-section (*1*) of section 460DD.
460GG. Purposes for which the Bombay Electric Supply and Transport Fund is to be applied.

SECTIONS.

Special Funds.

460HH. Institution of Bombay Electric Supply and Transport Staff Benefit Fund.
460II. Other special funds.

Disposal of Balances.

460JJ. Investment of surplus moneys.

Payment out of Surplus Balance.

460KK. Fixed annual payment to municipal fund.
460LL. Disposal of surplus balance of revenue.

Accounts.

460MM. Accounts of the Bombay Electric Supply and Transport Undertaking.
460NN. Preparation of annual administration report and statement of accounts.

Miscellaneous.

460OO. Power of Police to regulate traffic on streets.
460PP. Right of public to use streets on which tramways is laid.

CHAPTER XVII.

BY-LAWS.

461. By-laws for purposes other than the Bombay Electric Supply and Transport Undertaking.
461A. By-laws for purposes of Bombay Electric Supply and Transport Undertaking.
462. Punishment may be imposed for breach of by-laws.
463. By-laws to be confirmed by Central or State Government, as the case may be.
464. Commissioner to lay draft by-laws before the corporation for their consideration.
465. Hearing by corporation of objections to proposed by laws.
466. Proposed by-laws to be open to public inspection.
467. By-laws confirmed by Central or State Government to be published in the *Bombay Government Gazette.*
468. Printed copies of by-laws to be kept on sale.
469. Boards for exhibiting by-laws to be open to inspection and not to be injured.
469A. Application of sections 466, 468 and 469 to by-laws under section 461A.
470. Central or State Government, as the case may be, may repeal by-laws.

CHAPTER XVIII.

PENALTIES.

471. Certain offences punishable with fine.
472. Continuing offences.
473. Offences punishable under the Penal Code.
473A. Punishment for offences of preparing false election rolls or making false entries in ward lists.
474. Punishment for acquiring share or interest in contract, etc., with the corporation.

SECTIONS.

475. Punishment of offence against section 267.
476. Punishment of offences against section 391.
476A. Punishment for using or permitting to be used without licence any place in or without Greater Bombay as slaughter house.
476B. Punishment for importing cattle, etc., in Greater Bombay.
477. Extent of penal responsibility of agents and trustees of owners.
478. Punishment of offences relating to town-duties.
478A. Penalty for obstructing General Manager in exercise of powers.
478B. Penalty for interfering with tramways.

CHAPTER XIX.

PROCEDURE.

Licences.

479. Licences and written permission to specify conditions, etc., on which they are granted.
Fees to be chargeable.
Licences and written permissions may be revoked, etc.
When licence or written permission is revoked, etc., grantee to be deemed to be without a licence or written permission.
Grantees to be bound to produce licence or written permission.

Public Notices and Advertisements.

480. Public notices how to be made known.
481. Advertisements how to be made.
482. Consent etc., of Commissioner, General Manager, etc., may be proved by written document under his signature.

Service of Notices, etc.

483. Notices, etc., by whom to be served or presented.
484. Service how to be effected on owners of premises and other persons.
485. Service on " owner or occupier " of premises how to be effected.
485A. Power of Commissioner to call for information as to ownership of premises.
486. The three last sections inapplicable to Magistrate's summonses.
486A. Service of bills for taxes by post.
487. Signature on notices, etc., may be stamped.

Power of Entry.

488. Commissioner, etc., may enter any premises for purposes of inspection, survey or execution of necessary work.

Power of Eviction.

488A. Commissioner may evict persons summarily in certain cases.

Enforcement of Orders to execute Works, etc

489. Works, etc., which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost.
490. Recovery of expenses of removals by the Commissioner under sections 314, 315, 354 and 380.

Recovery of Expenses by the Commissioner and the General Manager.

491. Expenses recoverable under this Act to be payable on demand; and, if not paid on demand, may be recovered as an arrear of property-tax.
492. If the defaulter is the owner of premises in respect of which expenses are payable, the occupier to be also liable for payment thereof.
493. Commissioner or General Manager may agree to receive payment of expenses in instalments.

SECTIONS.

494. What expenses may be declared to be improvement expenses.
495. Improvement expenses by whom payable.
496. Proportion of improvement expenses may be deducted from rent.
497. Redemption of charge for improvement expenses.
498. Recovery of instalments due under sections 493 and 495.
499. In default of owner the occupier of any premises may execute required work and recover expenses from the owner.
500. Limitation of liability of agent or trustee of owner.

Payment of Compensation.

501. Compensation for damages may be paid by the Commissioner or General Manager.
502. Compensation to be paid by offenders against this Act for any damage caused by them.

Recovery of expenses or Compensation in case of Dispute.

503. In cases falling under section 491, disputes to be determined by the Chief Judge of the Small Cause Court.
504. Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Small Cause Court.
505. Expenses or compensation awarded by Chief Judge of the Small Cause Court to be recovered if necessary, as if they were due under a decree of the court.
506. Persons liable for expenses or compensation may be sued for recovery thereof.

Proceedings before the Chief Judge of the Small Cause Court.

507 Remedy of owner of buildings or land against occupier who prevents his complying with any provision of this Act.
508. Power to summon witnesses and compel production of documents.
509. Fees in proceedings before the Chief Judge of the Small Cause Court.
510. Exemption of poor persons from fees.
511. Repayment of half fees on settlement before hearing.
512. Authority to the Chief Judge of the Small Cause Court to delegate certain powers and to make rules.

Proceedings before Magistrate.

513. Cognizance of offences.
513A. Appointment of Presidency Magistrates.
514. Limitation of time within which complaints of offences punishable under this Act shall be entertained.
515. Complaints concerning nuisances.

Arrest of Offenders.

516. Offenders against this Act may in certain cases be arrested by Police Officers.
516A. Offence under section 403 (*1*) (*b*) or (*c*) to be cognizable.

Legal Proceedings.

517. Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

CHAPTER XX.

Control.

Sections.

518. Power to State Government to provide for performance of duties in default of any municipal authority.
519. Power to State Government to enforce repair, etc., of Vehar water-works.
520. Expenses of measures enforced under sections 518 and 519 how to be recovered.

CHAPTER XXI.

Supplemental Provisions.

521. Councillors, etc., to be deemed to be public servants.
522. Co-operation of Police.
522A. Assistance for the recovery of rent on land in the suburbs.
523. Computation of time.
524. Measurement of distances.
525. Informalities and errors in assessments, etc., not to be deemed to invalidate such assessment, etc.
526. Power to State Government to call for extracts from proceedings, etc.
527. Protection of persons acting under this Act against suits.
527A. Savings in respect of certain provisions of Bombay Land Revenue Code, 1879.
528. Effect of the transitory provisions in Schedule R.

SCHEDULE A.—Enactments repealed.

SCHEDULE B.—Division of the City into Wards.

SCHEDULE C.—Form of Debenture.

SCHEDULE D.—[*Repealed.*]

SCHEDULE E.—Form of Notice of Transfer to be given when the Transfer has been effected by Instrument.

SCHEDULE F.—Form of Notice of Transfer to be given when the Transfer has taken place otherwise than by Instrument.

SCHEDULE G.—Tax on Vehicles and Animals.

SCHEDULE H.—Articles liable to Payment of Town-duties.

SCHEDULE I.—Form of Notice of Demand.

SCHEDULE J.—Form of Warrant of Distress or Attachment.

SCHEDULE K.—Form of Inventory and Notice.

SCHEDULE L.—Table of Fees payable for Distraints or Attachments.

SCHEDULE M.—Articles which shall not be kept without a Licence in or upon any Premises.

SCHEDULE N.—Particulars to be specified in the Register of Births.

SCHEDULE O.—PARTICULARS TO BE SPECIFIED IN THE REGISTER OF DEATHS.

SCHEDULE P.—CERTIFICATE OF CAUSE OF DEATH.

SCHEDULE Q.—FORM CERTIFYING NAME GIVEN IN BAPTISM.
Do. do. NOT IN BAPTISM.

SCHEDULE R.—TRANSITORY PROVISIONS.

SCHEDULE S.—DRAINAGE COMPLETION CERTIFICATE.
SCHEDULE T.—BUILDINGS do. do.

SCHEDULE U.—MEDICAL INSTITUTIONS IN BOMBAY.

SCHEDULE V.—LANDS AND BUILDINGS IN THE USE AND OCCUPATION OF THE BOMBAY CITY POLICE.

SCHEDULE W.—
SCHEDULE X.—
SCHEDULE Y.—
SCHEDULE Z.—
SCHEDULE ZZ.—
DESCRIPTION OF THE PROPERTY HELD BY THE IMPROVEMENT TRUST AND TRANSFERRED TO THE CORPORATION.

SCHEDULE AA.—FORM OF DEBENTURE.

SCHEDULE BB.—RULES REGULATING THE FORM OF ACCOUNTS RELATING TO IMPROVEMENT SCHEMES, ETC., AND THE MANNER IN WHICH THEY SHALL BE KEPT.

SCHEDULE BBA.—ACCOUNTS TO BE MAINTAINED UNDER SECTION 123C.

SCHEDULE CC.—PORTIONS OF THE LAND ACQUISITION ACT, 1894, REGULATING THE ACQUISITION OF LAND FOR IMPROVEMENT PURPOSES.

SCHEDULE DD.—SCALE OF ADDITIONAL COMPENSATION FOR COMPULSORY ACQUISITION FOR IMPROVEMENT PURPOSES.

SCHEDULE EE.—DUTIES AND POWERS OF THE MUNICIPAL CHIEF AUDITOR.

SCHEDULE FF.—SPECIAL AND TRANSITORY PROVISIONS.

SCHEDULE GG.—VALIDITY AND DATE OF OPERATION OF CERTAIN ORDERS.

SCHEDULE HH.—COMPULSORY ACQUISITION ORDERS.

SCHEDULE II.—CONSTITUTION AND POWERS OF COMPENSATION TRIBUNAL.

SCHEDULE JJ.—

BOMBAY ACT No. III OF 1888[1].

[THE CITY OF BOMBAY MUNICIPAL ACT, 1888].

[*14th September 1888.*]

Repealed in part by Act 2 of 1901;
„ „ by Bom. 1 of 1897;
„ „ „ 5 of 1925;
„ „ „ 8 of 1928;
„ „ „ 15 of 1932.

Repealed in part and amended—
by Act 16 of 1895;
by Bom. 4 of 1888;
„ 5 of 1905;
„ 3 of 1907;
„ 2 of 1911;
„ 6 of 1922.

Amended by Bom. 1 of 1894;
„ „ 2 of 1899;
„ „ 2 of 1900;
„ „ 2 of 1901;
„ „ 5 of 1903;
„ „ 1 of 1910;
„ „ 6 of 1913;
„ „ 1 of 1916;
„ „ 6 of 1916;
„ „ 6 of 1918;
„ „ 8 of 1918;
„ „ 5 of 1920;
„ „ 15 of 1920;
„ „ 19 of 1920;
„ „ 20 of 1920;
„ „ 4 of 1921;
„ „ 7 of 1921;
„ „ 1 of 1925;
„ „ 12 of 1925;
„ „ 9 of 1928;
„ „ 10 of 1928;
„ „

---

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1887, Pt. V, p. 188; for Report of the Select Committee, *see ibid.*, 1888, p. 1, and for Proceedings in Council, *see ibid.*, 1887, p. 222 and *ibid.*, 1888, pp. 177, 203, 228, 259, 286, 311 and 321.

Bom. 3 of 1888 has, so far as regards the jurisdiction, decisions, orders and other proceedings of Appellate Benches of Municipal Authorities, Presidency and other Magistrates, Courts of Small Causes and Judges of such Courts, been declared to be as valid as if it had been passed by the Governor General of India in Council—*see* Act 12 of 1888, s. 1.

The Bombay Municipal Servants Act is to be read with Bom. 3 of 1888—*see* Bom. 5 of 1890, s. 2 (*2*).

The City of Bombay Police Charges Act, 1907 (Bom. 3 of 1907), is to be read with Bom. 3 of 1888. Only those amendments which it makes in the latter and which have been declared to come into force on 1st April 1907, have been here incorporated; for the other amendments which have been declared (*see* ss. 39, 40 and 62) to come into force when notified by the Governor in Council, *see* Bom. 3 of 1907.

Amended by Bom. 10 of 1930;
„ „ 18 of 1930;
„ „ 19 of 1030;
„ „ 23 of 1930;
„ „ 6 of 1931;
„ „ 17 of 1931;
„ „ 21 of 1931;
„ „ 8 of 1932;
„ „ 11 of 1932;
„ „ 13 of 1932;
„ „ 13 of 1933;
„ „ 2 of 1934;
„ „ 4 of 1934;
„ „ 10 of 1935;
„ „ 12 of 1935;
„ „ 28 of 1935;
„ „ 32 of 1935;
„ „ 10 of 1936;
„ „ 12 of 1936;
„ „ 13 of 1936;
„ „ 24 of 1936.

Supplemented by Act 12 of 1888;
„ „ 2 of 1889;
„ „ 5 of 1890;
„ „ 1 of 1898;
„ „ 2 of 1899;
„ „ 15 of 1920.

Amended by Act 38 of 1920.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 2 of 1938;
„ „ 5 of 1938;
„ „ 13 of 1938*
„ „ 17 of 1938;
„ „ 7 of 1939;
„ „ 19 of 1939;
„ „ 21 of 1939;

---

* Sections 32 and 33 of this Act containing saving provisions are reproduced below, Sections 26, 28 and 29 referred to in section 32 below have amended sections 37, 74 and 80B of Bom. 3 of 1888.

Saving in case of present incumbents.

32. Nothing contained in section 26, 28 or 29 of this Act shall apply to persons appointed to hold posts referred to in the said sections during the period for which they may have been appointed before the commencement of this Act.

Savings.

33. (*1*) Nothing in this Act shall affect the constitution of the Corporation, the Standing Committee, the Schools Committee, or the Improvements Committee as constituted immediately before the first day of April 1939 and no appointment, notification, notice, tax, order, scheme, licence, provision, rule, bye-law or form, made, issued or imposed in respect of or by the Corporation or Committee so constituted shall be deemed to be invalid by reason only of the fact that the provisions of this Act have come into force.

(*2*) Notwithstanding anything contained in this Act, any casual vacancy in the office of a councillor, or a member of any of the said Committees occurring before the 1st day of April 1939 shall, subject to the provisions of the said Act, be filled as if this Act had not come into force.

Amended by Bom. 1 of 1942 ;[*]
,, ,, ,, 8 of 1942 ;[†]
,, ,, ,, 2 of 1943 ;[*]
,, ,, ,, 9 of 1945 ;[*]
,, ,, ,, 12 of 1945 ;[*]
,, ,, ,, 1 of 1946 ;[†]
,, ,, ,, 4 of 1947 ;
,, ,, ,, 12 of 1947 ;
,, ,, ,, 20 of 1947 ;
,, ,, ,, 21 of 1947 ;

Adapted by the Indian (Adaptation of Existing Indian Laws) Order, 1947 ;

Amended by Bom. 3 of 1948 ;
,, ,, ,, 8 of 1948 ;
,, ,, ,, 48 of 1948 ;
,, ,, ,, 69 of 1948 ;
,, ,, ,, 76 of 1948 ;
,, ,, ,, 7 of 1950 ;

Adapted and modified by the Adaptation of Laws Order, 1950 ;

Amended by Bom. 48 of 1950 ;
,, ,, ,, 9 of 1951 ;
,, ,, ,, 30 of 1951 ;
,, ,, ,, 20 of 1952 ;
,, ,, ,, 64 of 1953 ;
,, ,, ,, 6 of 1954 ;
,, ,, ,, 8 of 1954 ;
,, ,, ,, 21 of 1954 ;
,, ,, ,, 34 of 1954 ;
,, ,, ,, 62 of 1954 ;
,, ,, ,, 5 of 1955 ;
,, ,, ,, 54 of 1955 ;[**]

---

[*] This Act was repealed and re-enacted by Bom. 8 of 1948.

[†] This Act was repealed and re-enacted with modifications, *ibid.*

[**] Section 13 of Bom.   of 1955 reads as follows :—

13. The amendments made in the said Act by sections 2 to 4 (both inclusive), section 5 except section 28H inserted thereby, clause (2) of section 6 and sections 7 and 8 of this Act shall apply to the general elections to be held after the 31st day of December 1955, and to all subsequent elections.

Certain amendments made by this Act to apply to election held after the 31st day of December 1955.

An Act to consolidate and amend the law relating to the Municipal Government of [1][Greater Bombay].

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal government of [1][Greater Bombay]; It is enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be cited as [2][the Bombay Municipal Corporation Act].

Extent.

Except as is herein otherwise expressly provided, it extends only to [3][Greater Bombay].

Repeal of enactments.

2. The enactments mentioned in Schedule A are repealed to the extent specified in the third column of the said Schedule :

Provided that—

(*a*) all rules and by laws made, all notifications published, all orders issued and all licences and permissions granted under any of the said enactments and still in force shall, so far they are consistent with this Act, be deemed to have been respectively made, published, issued and granted hereunder ; and

(*b*) all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the municipal corporation before this Act comes into force shall be deemed to have been incurred, entered into or engaged to be done by, with or for the municipal corporation constituted under this Act ; and

(*c*) all rates, taxes and sums of money due to the corporation when this Act comes into force shall be deemed to be due to the corporation under this Act ; and

(*d*) all suits or other legal proceedings, civil or criminal, instituted or which might but for the passing of this Act have been instituted by or against the corporation or the Commissioner may be continued or instituted subject to the provisions of section 13 of Schedule R as if this Act had not been passed ; and

(*e*) all references made in any Act of the Governor of Bombay in Council to any of the said enactments shall be read as if made to this Act or to the corresponding portion thereof.

---

[1] These words were substituted for the words " the City of Bombay " by Bom. 7 of 1950 s. 3.

[2] These words were substituted for the words and figures " the City of Bombay Municipal Act, 1888 " *ibid.*, s. 4 (*a*).

[3] These words were substituted for the words " the City of Bombay ", *ibid.*, s. 4 (*b*).

12a

3. In this Act, unless there be something repugnant in the subject or context,— **Definitions of terms.**

Bom. XVII of 1945. [1][(*a*) " the city " means the area specified in Part I of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945 ;

Bom. XVII of 1945. (*a1*) " Greater Bombay " means the areas specified in Parts I, II and III of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945 ;

Bom. XVII of 1945. (*a2*) " the suburbs " means the area specified in Parts II and III of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945] ;

(*b*) " the corporation " means the Municipal Corporation of [2][Greater Bombay] ;

*[3][(*c*) " Councillor " means a person who is duly elected as a member of the Corporation under this Act] ;

[4][(*cc*) " Commission " means the Public Service Commission constituted for the State of Bombay under the Constitution of India] ;

(*d*) " the Commissioner " means the Municipal Commissioner for [2][Greater Bombay] appointed under section 54, and includes an acting Commissioner appointed under sub-section (*3*) of section 59 ;

(*e*) " Deputy Commissioner " means a Deputy Municipal Commissioner appointed under section 55, [5][and the Deputy Municipal Commissioner (Improvements) appointed under section 56A] and includes an acting Deputy Commissioner appointed under sub-section (*3*) of section 59 [6][and an additional Deputy Municipal Commissioner appointed under sub-section (*1A*) of section 55] ;

(*f*) " the Police Commissioner " means the Commissioner of Police [7][for Greater Bombay] ;

[8][(*g*) " Education Officer " means the Municipal Education Officer appointed under section 76A and includes an acting Municipal Education Officer appointed under section 85] ;

[9][(*h*) ' election ' means an election to fill a seat or seats of a councillor or councillors under this Act];

[10]* * * * * * *

(*k*) " licensed plumber " and " licensed surveyor " means respectively, a person licensed by the Commissioner for the purposes of this Act as a plumber or surveyor under section 355 ;

(*l*) " Small Cause Court " means the Court of Small Causes of Bombay ;

---

[1] These clauses were substituted for clause (*a*) by Bom. 7 of 1950, s. 5 (*i*).

[2] These words were substituted for the words " the City of Bombay ", *ibid*., s. 5. (*ii*).

[3] This clause was substituted for the original by Bom. 48 of 1950, s. 2 (*1*).

[4] Clause (*cc*) was inserted, *ibid*., s. 2 (*2*).

[5] These words, figures, brackets and letters were inserted by Bom. 13 of 1933, s. 3 (*a*).

[6] These words, figures, letter and brackets were added by Bom. 7 of 1950, s. 5 (*iii*).

[7] These words were substituted for the words " of Bombay ", *ibid*., s. 5 (*iv*).

[8] Clause (*g*) was inserted by Bom. 48 of 1950, s. 2 (*3*).

[9] Clause (*h*) was inserted by Bom. 54 of 1955, s. 2.

[10] Clause (*j*) was repealed by Bom. 6 of 1922, s. 2.

*Section 79 of Bom. 48 of 1950 reads as follows :—

79. Nothing in sections 2 (*1*), (*4*) and (*5*) and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other Committee or sub-committee as constituted or appointed under the said Act—immediately before the coming into operation of this Act and any casual vacancy in the office of a council or a member of any of the said committees or sub-committee before the 1st day of April 1952, shall, subject to the provisions of the said Act, be filled as if this Act had not been passed. **Savings.**

(*m*) " owner " when used in reference to any premises, means the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let, and includes—

(*i*) an agent or trustee who receives such rent on account of the owner and

(*ii*) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable purposes; and

(*iii*) a receiver, sequestrator, or manager appointed by any court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of the said premises;

(*n*) a person is deemed " to reside " in any dwelling which he sometimes uses, or some portion of which he sometimes uses, though, perhaps, not uninterruptedly, as a sleeping apartment;

and a person is not deemed to cease " to reside " in any such dwelling merely because he is absent from it, or has elsewhere another dwelling in which resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning thereto;

(*o*) the term " public securities " means securities of the [1][Central Government] and any securities guaranteed by [2][the Central or any [3][State] Government], securities of the Bombay Port Trust, securities issued under this Act and any Bombay Municipal debentures or other securities heretofore issued [4][and any debentures or other securities issued under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925];

Bom. IV of 1898. Bom. XVI of 1925.

(*p*) " tax " includes any impost leviable under this Act;

(*q*) " vehicle " includes a carriage , cart, van, dray, truck, handcart and wheeled conveyance of any description capable of being used on the streets of the city;

(*r*) " land " includes land which is [5][being built upon or is built] upon or covered with water, [6][benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street];

(*s*) " building " includes a house, out-house, stable, shed, hut and every other such structure, whether of masonry, bricks, wood, mud. metal or any other material whatever;

(*t*) " water-work " includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main pipe, culvert, engine and any machinery, land, building, or thing for supplying or used for supplying water;

[7][(*u*) " drain" includes a sewer, pipe ditch, channel and any other device for carrying off sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter to the sewage outfall];

(*v*) " house-gully " means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to municipal sarvants or to persons employed in the cleansing thereof or in the removal of such matter therefrom;

---

[1] The words "Central Government" were substituted for the words "Government of India", by the Adaptation of Indian Laws Order in Council.

[2] The words "the Central or any Provincial Government" were substituted for the word "Government", *ibid.*

[3] The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] These words were inserted by Bom. 13 of 1933, s. 3 (*b*).

[5] These words were substituted for the word "built" by Bom. 8 of 1918, s. 2.

[6] These words were inserted by Bom. 13 of 1933, s. 3, (*c*).

[7] Clause (*u*) was substituted for the original clause by Bom. 5 of 1905, s. 2.

(*w*) "street" includes any highway and any causeway, bridge, viaduct, arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years; and, when there is a footway as well as carriageway in any street, the said term includes, both;

(*x*) "public street" means any street heretofore levelled, paved, metalled channelled, sewered or repaired by the corporation and any street which becomes a public street under any of the provisions of this Act; [1][or which vests in the corporation as a public street];

(*y*) "private street" means a street which is not a public street;

[2][(*yy*) "trade refuse" means and includes the refuse of any trade, manufacture or business];

(*z*) "nuisance" includes any act, omission, place, or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property;

(*aa*) "dangerous disease" means cholera and any endemic, epidemic, or infectious disease by which the life of man is endangered;

(*bb*) "official year" means the year commencing on the first day of April;

(*cc*) "public holiday" means a day or other period of time on or during which, by an order of [3][the [4][State] Government] published in the [5][*Official Gazette*], Government offices in the city are closed;

(*dd*) "sub-section" and "clause" denote, respectively, a sub-section or clause of the section in which the word occurs;

[6][(*ee*) "bakehouse" means any place in which are baked bread, biscuits or confectionery, from the baking or selling of which a profit is dervied;

[6](*ff*) "eating-house" means any premises to which the public are admitted and where any kind of food is prepared or supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises;

[6](*gg*) "premises" includes messuages, buildings and lands of any tenure, whether open or enclosed, whether built on or not and whether public or private];

[7][(*hh*) "a sweetmeat shop" means any premises or part of any premises used for the manufacture, treatment or storing for sale, or for the sale, wholesale or retail, of any icecream, confections or sweetmeats whatsoever, for whomsoever intended, and by whatsoever name the same may be known, and whether the same be for consumption on or outside the premises];

[8]* * * *

[9][(*ll*) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, meat, fish, fruit, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place, notwithstanding that there

---

[1] These words were added by Bom. 7 of 1950, s. 5 (*v*).

[2] This now clause (*yy*) was added by Bom. 1 of 1925, s. 2 (*b*).

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", by the Adaptation of Indian Laws Order in Council.

[6] Clauses (*ee*), (*ff*) and (*gg*) were inserted by Bom. 1 of 1916, s. 2.

[7] Clause (*hh*) was inserted by Bom. 5 of 1920, s. 2.

[8] Clauses (*ii*), (*jj*) and (*kk*) were deleted by Bom. 48 of 1950 s. 2 (*5*).

[9] This clause was added by Bom. 5 of 1938, s. 2.

may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or any other person.]

[1][(*mm*) "the Bombay Electric Supply and Transport Undertaking" means all undertakings acquired, organised, constructed, maintained, extended, managed or conducted by the corporation for the purpose of providing tramsways, trackless trams or mechanically propelled transport facilities for the conveyance of the public or for the purpose of supplying electrical energy to the public and includes all moveable and immovable property and rights vested or vesting in the corporation for the purposes of every such undertaking;

(*nn*) "the General Manager" means the General Manager of the Bombay Electric Supply and Transport Undertaking appointed under section 60A and includes an acting General Manager appointed under section 60B.]

CHAPTER II.

THE MUNICIPAL CONSTITUTION.

Municipal Authorities.

Municipal authorities charged with execution of this Act.

[2][4. The municipal authorities charged with carrying out the provisions of this Act are—

(*a*) a Corporation;
(*b*) a Standing Committee;
(*c*) an Improvements Committee;
(*d*) a Bombay Electric Supply and Transport Committee;
(*e*) an Education Committee;
(*f*) a Municipal Commissioner;
(*g*) a General Manager of the Bombay Electric Supply and Transport Undertaking.]

(*A*) *The Municipal Corporation.*

Constitution of corporation.

5. [3]†[(*1*) The Corporation shall consist of one hundred and twenty-four councillors elected at ward elections.]

(*2*) The corporation shall, by the name of "The Municipal Corporation of [4][Greater Bombay]", be a body corporate and have perpetual succession and a common seal and by such name may sue and be sued.

Terms of Office of Councillors; Casual Vacancies, etc.

6. (*1*) [5]* * * *

Day on which councillors are to come into office.

(*2*) Councillors [6][elected] to succeed retiring councillors shall come into office on the day for the retirement of the councillors whom they are to succeed.

Day for retirement of councillors.

7. [7][(*1*)] [8][All † [9]* councillors] shall retire from office at noon on the first day of April [10][four years] after they take office, which day is in this Act referred to as the day for retirement.

---

[1] These clauses were added by Bom. 48 of 1948, s. 2.

[2] Section 4 was substituted for the original by Bom. 48 of 1950, s. 3.

[3] This sub-section was substituted for the original, *ibid*, s. 4.

[4] These words were substituted for the words "the City of Bombay" by Bom. 7 of 1950, s. 6 (*1*).

[5] Sub-section (*1*) repealed by Act 16 of 1895, is omitted.

[6] This word was substituted for the original by Bom. 13 of 1938, s. 4.

[7] This sub-section was numbered as sub-section (*1*), *ibid*, s. 5 (*1*).

[8] These words were substituted for the original, *ibid*, s. 5 (*1*) (*a*).

[9] The word "elected" was deleted by Bom. 48 of 1950, s. 5 (*1*).

[10] These words were substituted for the words "three years", by Bom. 13 of 1938, s. 5 (*6*).

† Section 79 of Bom. 48 of 1950 reads as follows :—

Savings

79. Nothing in sections 2 (*1*), (*4*) and (*5*), and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committee before the 1st day of A pril 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

†[1] * * * * * *

Re-eligibility of persons ceasing to be councillors.

8. Any person who ceases to be a councillor shall, unless disqualified, be re-eligible.

Casual vacancies how to be filled up.

9. In the event of non-acceptance of office by a person elected [2]* * to be a councillor, or of the death, resignation or disqualification of a councillor, or of his becoming incapable of acting previous to the day for retirement, there shall be deemed to be a casual vacancy in the office, and such vacancy shall be filled up, as soon as it conveniently may be, by the election [2]* * *of a person thereto, who shall hold office so long only as the councillor in whose place he is elected [2]* * would have been entitled to hold it if the vacancy had not occurred.

[3][The casual vacancy in the office of an elected councillor shall be filled up in the manner provided in section 34 :]

[4][Provided that no election shall be held to fill up such vacancy occurring within four months prior to the day for retirement.]

Publication of names of councillors in the *Official Gazette*.

10. The names of all persons elected [2]* * to be councillors shall be published by the Commissioner in the [5][*Official Gazette*].

Qualifications and Disqualifications of Voters and Councillors.

Qualification of voters at ward elections.

11. (*1*) A person shall not be entitled to vote at a ward election unless he is enrolled in the municipal election roll as a voter of the ward for which such election is held.

[6][(*2*) A person shall not be entitled to be enrolled in the municipal election roll as a voter of any ward, unless such person—

[7](*a*) has on the 31st day of August in any year attained the age of 21 years, and

(*b*) has the requisite residence, business premises or taxation qualification.

(*3*) A person shall be deemed to have the requisite residence qualification or the requisite business premises qualification if he has ordinarily used a dwelling in [8][Greater Bombay] as a sleeping place or occupied business premises in [8][Greater Bombay] as the case may be, for the qualifying period.

(*4*) A person shall be deemed to have the requisite taxation qualification if he owns immovable property in [8][Greater Bombay] which is assessed on the first day of April next preceding the date of the publication of the roll, to any of the property taxes referred to in section 140.

---

[1] Sub-section (*2*) was deleted by Bom. 48 of 1950, s. 5 (*2*).

[2] The words " or appointed " and " or appointment, as the case may be " were deleted by Bom. 13 of 1938, ss. 6 and 7.

[3] These words were added by Bom. 28 of 1935, s. 2.

[4] This proviso was added by Bom. 12 of 1936, s. 2.

[5] The words " *Official Gazette* " were substituted for the words " *Bombay Government Gazette* " by the Adaptation of Indian Laws Order in Council.

[6] Sub-sections 2 to 6 were substituted for sub-section (*2*) by Bom. 13 of 1938, s. 8 (*1*). The provisions of these sub-sections have come into force for the purposes of the general elections held after the first day of January 1942 and for all subsequent elections.

[7] Clause (*a*) of sub-section (*2*) of sec. 11 was substituted for the original by Bom. 1 of 1946, s. 2 (*a*) read with Bom. 8 of 1948, s. 4.

[8] These words were substituted for the words " the City " by Bom. 7 of 1950, s. 6 (*1*).

†Section 79 of Bom. 48 of 1950 reads as follows :—

Savings.

79. Nothing in sections 2 (*1*), (*4*) and (*5*), and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvement Committee or any other Committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committee before the 1st day of April, 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

(*5*) A person who is an inmate or a patient in any prison, lunatic asylum, hospital, or any other similar institution, shall not, by reason thereof, be deemed to have used such institution as a dwelling for the purposes of sub-section (*3*).

(*6*) For the purpose of this section—

(*a*) " business premises " shall mean premises occupied for the purpose of the business, profession or trade of the person to be enrolled and the annual rateable value of which, determined in accordance with the provisions of this Act, is not less than Rs. 60.

[1](*b*) " the qualifying period " shall mean a period of one year before the 1st day of February in the year of enrolment.]

11A.** [*Qulifications of voters at election of delegates.*] ***Repealed by Bom. 48 of 1950, s. 6

12 & 13. [*Repealed by Bom. VI of 1922.*]

Qualification for election as a councillor at a ward election.

14. (*1*) A person shall not be qualified to be elected at a ward election to be a councillor unless he is enrolled in the municipal election roll as a voter of some ward. [2]* * *

[3]* * * * *

***14A.** [*Qualifications for elections as a councillor by delegates.*] *Repealed by Bom. 48 of 1950.*

***15.** [*Qualifications for election by Chamber, etc.*] *Repealed by Bom. 48 of 1950.*

15A. [*Qualification for co-option*] *Repealed by s. 3 of Bom. 17 of 1931.*

Disqualifications for being a councillor.

16. (*1*) A person shall be disqualified for being elected [4]* * [5]* * * * * and for being a councillor if such person—

[6]* * * *

(*b*) has been sentenced by any court to imprisonment or whipping for an offence [7][involving moral turpitude and] punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and if and so long as [8][such sentence has not expired or] such person's disqualification on account of such sentence has not been removed by an order which the [9][[10][State] Government] is hereby empowered to make, if [11][it] shall think fit, in this behalf; or if and while such person—

III of 1909. V of 1920.

[12][(*c*) having been adjudged or re-adjudged an insolvent, is under any disqualification imposed by section 103A of the Presidency-towns Insolvency Act, 1909 ; or section 73 of the Provincial Insolvency Act, 1920 ; or]

---

[1] Clause (*b*) of sub-section (*b*) of sec. 11 was substituted for the original by Bom. 1 of 1946. s. 2(*b*) read with Bom. 8 of 1948, s. 4.

[2] Words repealed by Pom. 6 of 1922, s. 6, are omitted.

[3] Sub-section (*2*) was deleted by Bom. 13 of 1938, s. 9 (*1*).

[4] The words " or appointed " were deleted by Bom. 13 of 1938, s. 10.

[5] The words " or co-opted " which were added by Bom. 6 of 1922, s. 8, and which were deleted by Bom. 17 of 1931, s. 4, are omitted.

[6] Cluse (*a*) repealed by Bom. 6 of 1922, s. 8, is omitted.

[7] These words were inserted by Bom. 7 of 1939 s., 2.

[8] These words were inserted by Bom. 12 of 1925, s. 2.

[9] The words " Provincial Government " were suubstituted for the words " Governor in Council " by the Adapation of Indian Laws Order in Council.

[10] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[11] The word " it " was substituted for the word " he " by the Adaptation of Indian Laws Order in Council.

[12] Clause (*c*) was substituted for the original clause by Bom. 1 of 1948, s. 3 (*a*) read with Bom. 8 of 1948, s. 4.

*Section 79 reads as follows :—

Savings.

79. Nothing in sections 2 (*1*), (*4*) and (*5*), and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a ouncillor or a member of any of the said committees or sub-committee before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

(*d*) is the Commissioner or a Deputy Commissioner or a municipal officer or servant, or a licensed surveyor or plumber [1][or a member of a firm of which a licensed surveyor or plumber is a member]; or

(*e*) is the Chief Judge of the Small Cause Court or is acting in that capacity; or

[2][(*ee*) fails to pay any arrears of any kind due by him (otherwise than as a trustee) to the corporation within three months after a special notice in this behalf has been served upon him; or]

(*f*) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of, the corporation; [3][or]

[4][(*ff*) having been elected a councillor is retained or employed in any professional capacity either personally or in the name of a firm in which he is a partner or with whom he is engaged in a professional capacity in connection with any cause or proceeding in which the corporation or the Commissioner is interested or concerned:

Provided that this disqualification shall not apply to a councillor who renders free service for securing the enforcement of civic rights or removal of legitimate public grievances.

Explanation.—For the purpose of clause (*f*) a municipal pensioner shall not be deemed to have any share or interest in any employment with, by or on behalf of the corporation, by reason only of his pension].

(*2*) But a person shall not be so disqualified or be deemed to have any share or interest in such a contract or employment by reason only of [5][his receiving fees for attendance at meetings of the Bombay Electric Supply and Transport Committee or of] his having any share or interest in—

(*g*) any lease, sale or purchase of land or any agreement for the same; or

(*h*) any agreement for the loan of money or any security for the payment of money only; or

(*j*) any newspaper in which any advertisement relating to the affairs of the corporation is inserted; or

(*k*) any joint stock company which shall contract with or be employed by the Commissioner on behalf of the corporation; or

(*l*) the occasional sale to the Commissioner on behalf of the corporation, to a value not exceeding in any one official year two thousand rupees, of any article in which he regularly trades.

†[6]* * * * * *

---

[1] These words were inserted, by Bom. 1 of 1948, s. 3 (*a*) read with Bom. 8 of 1948 s. 3 (*b*).
[2] Clause (*ee*) was inserted by Bom. 11 of 1932, s. 2.
[3] The word "or" was inserted by Bom. 1 of 1948, s. 3 (*c*) read with Bom. 8 of 1948, s. 4.
[4] Clause (*ff*) was inserted, *ibid.*, s. 3 (*d*).
[5] These words were inserted by Bom. 48 of 1948, s. 4.
[6] Sub-section (*3*) was deleted by Bom. 48 of 1950, s. 9.

†Section 79 of Bom. 48 of 1950 reads as follows:—

Savings. 79. Nothing in sections 2 (*1*), (*4*) and (*5*), and 4 to 16 shall effect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other Committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committee before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

A person becoming disqualified to cease to be a councillor.

17. Any councillor who—

(*a*) becomes disqualified for being a councillor for any reason mentioned in the last preceding section, or

(*b*) absents himself during three successive months from the meetings of the corporation, except from temporary illness or other cause to be approved by the corporation, [1][or

†[2]* * * * * [3][or

(*d*) absents himself from or is unable to attend the meetings of the corporation during twelve successive months from any cause whatever, whether approved by the corporation or not, †[4] *

†[5] * * *

shall cease to be a councillor, and his office shall thereupon be vacant.

Questions as to disqualifications to be determined by Chief Judge of the Small Cause Court.

18. Whenever it is alleged that any councillor has become disqualified for office for any reason aforesaid, and such councillor does not admit the allegation, or whenever any councillor is himself in doubt whether or not he has become disqualified for office, such councillor or any other councillor may, and the Commissioner, at the request of the corporation, shall apply to the Chief Judge of the Small Cause Court; and the said Chief Judge, after making such inquiry as he deems necessary, shall determine whether or not such councillor has become disqualified for being a councillor, and his decision shall be conclusive.

Municipal Election Roll.

Preparation and revision of list of persons qualified to vote.

19. (*1*) [6]* * * On or before [7][the first day of August immediately preceding each general election] [8]* * * the Commissioner shall prepare a list of persons appearing to be entitled to be enrolled in the municipal election roll as voters of wards.

[8]* * * *

[9][(*3*) The list of voters of wards shall be made in separate lists, called ward lists, one for each ward into which Greater Bombay is divided as hereinafter provided, containing the names and addresses of the persons who are entitled to be enrolled under the provisions of sub-section (*2*) of section 11 as voters of that ward. The ward lists may be divided or arranged in such manner as the Commissioner may from time to time direct.]

(*4*) In preparing the ward lists the Commissioner shall enter therein the names of the persons who [10][are entitled to be enrolled under the provisions of sub-section (*2*) of section 11]:

---

[1] The word "or" and clause (*c*) were inserted by Bom. 10 of 1936, s. 2.

[2] Clause (*c*) was deleted by Bom. 48 of 1950, s. 10 (*1*).

[3] The word "or" and clauses (*d*) and (*e*) were inserted by Bom. 5 of 1938, s. 4.

[4] The word "or" was deleted by Bom. 48 of 1950, s. 10 (*2*).

[5] Clause (*e*) was deleted, *ibid.*, s. 10 (*3*).

[6] Portion repealed by Act 16 of 1895 is omitted.

[7] The words "the first day of August immediately preceding each general election" were substituted for the words "each first day of September" by Bom. 1 of 1946, section 4 (*a*), read with Bom. 8 of 1948, s. 4.

[8] The words and sub-section (*2*) repealed by Bom. 6 of 1922, s. 9 (*a*) and (*b*) are omitted.

[9] This sub-section was substituted for the original by Bom. 5 of 1955, s. 2.

[10] These words were substituted for the original words by Bom. 6 of 1922, s. 9 (*d*), (*i*).

†Section 79 of Bom. 48 of 1950 reads as follows :—

Savings.

79. Nothing in sections 2 (*1*), (*4*) and (*5*), and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committee before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

[1][Provided that where such person is—

(*i*) a company, the name of any individual member of such company authorised in that behalf,

(*ii*) a firm, the names of all the partners of such firm, registered under the Indian Partnership Act, 1932, IX of 1932.

(*iii*) any other association or body of individuals, the name of the individual member of such association or body of individuals authorised by such association or body of individuals, or

(*iv*) an undivided Hindu family possessing the requisite business premises or taxation qualification, the names of all adult coparceners of such family,

shall be entered in such lists against the names of such company, firm, association, body of individuals or family, as the case may be.]

[2][(*5*) The Commissioner [3][may], before preparing the list, by notice in writing, call upon every owner of a building to furnish him with a list of all tenants who resided in or occupied such building during the qualifying period referred to in section 11.

(*5A*) The Commissioner may also call upon by notice in writing any occupier of any building or other person to furnish such information as [4][he may consider necessary for the preparation of the municipal election roll.]

(*5B*) Every person to whom a notice has been issued under sub-section (*5*) or (*5A*) shall furnish full and true information within fifteen days from the date of receipt of notice.

(*5C*) The Commissioner shall then verify and scrutinise the particulars furnished under sub-sections (*5*) and (*5A*) by a house to house enquiry [5][or] by taking such other steps as [6][he may consider necessary.]

(*6*) The Commissioner shall publish the list, prepared as aforesaid, by causing a printed copy thereof to be fixed for public inspection in a conspicuous position on every municipal office on or before the ninth day of [7][August] and to be kept so fixed during the remaining days of [7][August]. Printed copies thereof shall also be delivered to any person requiring the same, on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Commissioner, with the approval of the standing committee in this behalf.

(*7*) On or before [8][the tenth day of August], the Commissioner shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained.

(*8*) Every person whose name is not in the list so published and who claims to have it inserted therein shall, on or before the first day of [9][September], give notice in writing of his claim to the Commissioner [10][in such form as he may prescribe]

---

[1] This proviso was substituted for the original by Bom. 13 of 1938, s. 11 (*1*) (*a*).

[2] Sub-sections (*5*) to (*5c*) were substituted for sub-section (*5*), by Bom. 13 of 1938, s. 11 (*1*) (*b*).

[3] The word "may" was substituted for the word "shall", by Bom. 1 of 1946, section 4 (*c*) read with Bom. 8 of 1948, s. 4.

[4] The words "he may consider necessary for the preparation of the municipal election roll" were substituted for the words "may be prescribed by rules made under this section," *ibid.*, s. 4 (*d*).

[5] The word "or" was substituted for the word "and", *ibid.*, s. 4 (*e*) (*i*).

[6] The words "he may consider necessary" were substituted for the words "may be prescribed by rules made under this section", *ibid.*, s. 4 (*e*) (*ii*).

[7] The word "August" was substituted for the word "September" by Bom. 1 of 1946, s. 4 (*f*), read with Bom. 8 of 1948, s. 4.

[8] The words "the tenth day of August" were substituted for the words "each tenth day of September", *ibid.*, s. 4 (*g*).

[9] The word "September" was substituted for the word "October", *ibid.*, s. 4 (*h*).

[10] These words were added, *ibid.*, s. 4 (*h*).

(*9*) Every person whose name is in the list may object to any other person as not being entitled to have his name retained therein. Every person objecting shall, on or before the first day of [1][September], give to the Commissioner and also give to the person objected to, or leave at his last known place of abode, notice in writing of the objection and of the nature thereof.

(*10*) If the name of any person is entered as a voter in more than one ward list, he may, by notice in writing, which he shall give to the Commissioner on or before the first day of [2][September], choose for which one of those wards he shall be entitled to vote.

[3](*11*)* * * *

(*12*) The Commissioner shall, [4][before the fifteenth day] of November, revise the list prepared as aforesaid.

(*13*) [5][The Commissioner] shall, for this purpose hear the [6][claims and objections] which have been duly made as aforesaid in open office, giving three clear days' notice of the holding of the inquiry by written notice served upon each [7][claimant and person objecting] and upon each person objected to, and also fixed on some conspicuous place in every municipal office:

[8][Provided that, if the Commissioner on examination of any claim considers that it may be allowed without further enquiry, notice to such claimant shall not be necessary. A notice which is required to be served under this sub-section on any person shall be deemed to be served, if sent by post to the address of that person as given by him for the purpose, or as appearing in the list, or if there is no such address, to his last known place of residence.]

[9][(*13A*) On or before the first day of November the Commissioner shall publish by affixing at some conspicuous place in every municipal office a supplementary list containing the names of the claimants who appear to him to be entitled to be enrolled as voters and shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained. Within three days from the date of the said notice any person whose name is in the list or in the supplementary list may object to the name of any claimant being inserted in the list upon the ground that such claimant is not entitled to be enrolled as a voter. Such an objection shall be made in the manner provided in sub-section (*9*) and shall be disposed of by the Commissioner in the manner provided in sub-section (*13*).]

(*14*) The Commissioner shall insert in the list the name of every person who has duly claimed to have his name inserted therein and whose claim is proved to the Commissioner's satisfaction.

---

[1] The word "September" was substituted for the word "October", by Bom. 1 of 1946, s. 4 (*i*), read with Bom. 8 of 1948, s. 4.

[2] The word "September" was substituted for the word "October", *ibid.*, s. 4 (*j*).

[3] Sub-section (*11*) was repealed, *ibid.*, s. 4 (*k*).

[4] These words were substituted for the words "on some one of the first fifteen days" by Bom. 10 of 1928, s. 2 (*c*).

[5] The words "the Commissioner" were substituted for the word "He" by Bom. 1 of 1946, s. 4 (*l*) (*i*), read with Bom. 8 of 1948, s. 4.

[6] The words "claims and objections" were substituted for the words "claims, objections and applications", *ibid.*

[7] The words "claimant and person objecting" were substituted for the words "claimant, person objecting and applicant", *ibid.*

[8] The proviso was added, *ibid.*, s. 4 (*l*) (*ii*).

[9] Sub-section (*13A*) was inserted, *ibid.*, s. 4 (*m*).

(*15*) The Commissioner shall expunge from the list the name of every person proved to his satisfaction to be dead [1][or not qualified to be enrolled] and may correct any clerical error or omission in the list.

(*16*) Subject as aforesaid, the Commissioner shall retain in the list the name of every person to whom objection has not been duly made.

(*17*) The Commissioner shall also retain therein the name of every person objected to, unless the objector appears by himself or by some other person duly authorized by him in this behalf in support of the objection.

(*18*) Where the objector so appears, the Commissioner shall require proof of the qualification of the person objected to, and if within such reasonable time as the Commissioner, subject to the provision of sub-section (*22*), fixes in this behalf, such person's qualification is not proved to his satisfaction, shall expunge his name from the list.

(*19*) The Commissioner shall not retain the name of one person in more than one ward list. If any person whose name has been entered in more than one ward list has not chosen as aforesaid, the Commissioner shall determine for which one of those wards he shall be entitled to vote.

[2]* * * *

[3]* * * *

[4][(*21*) The Commissioner shall not enter the name of any individual more than once in any ward list notwithstanding the fact that such individual is entitled to have his name entered in such list in more than one capacity or possesses more than one of the requisite qualifications referred to in section 11].

(*22*) The Commissioner may adjourn the hearing of any matter under this section from time to time, so that no adjourned hearing be held after the [5][fifteenth] day of November.

[6][(*23*) Subject to the provisions of the foregoing sub-sections, the Corporation, with the sanction of the Provincial Government shall make rules for the preparatio and revision of the lists of persons qualified to vote.]

Appeals against Commissioner's orders on revision of the list by whom to be heard.

20. [7][(*1*)] In the event of the Commissioner rejecting any claim, objection or choice duly made under the last preceding section, the claimant or objector or person aggrieved may, at any time within five days after such rejection, apply to the Chief Judge of the Small Cause Court, and the said Chief Judge shall, within [8][twenty five] days after receipt of such application and after such inquiry as he deems necessary, make such order for correcting the list or otherwise as shall seem to him fit, and his order shall be conclusive.

[7][(*2*) If the Chief Judge is unable to dispose of any such application within the period specified in sub-section (*1*) he may transfer it for hearing to any Judge of the Small Cause Court.]

---

[1] These words were inserted by Bom. 13 of 1938, s. 11 (*1*) (*c*).

[2] The words deleted by Bom. 13 of 1938, s. 11 (*1*) (*d*) are omitted.

[3] Sub-section (*20*) was repealed by Bom. 6 of 1922, s. 9 (*g*).

[4] This sub-section was substituted for the original by Bom. 13 of 1938, s. 11 (*1*) (*e*).

[5] The word "fifteenth" was substituted for the word "tenth", by Bom. 6 of 1922, s. 9 (*h*).

[6] This sub-section was inserted, by Bom. 13 of 1938, s. 11 (*1*) (*f*).

[7] Section 20 was re-numbered section 20 (*1*), and sub-section (*2*) added by Bom. 6 of 1922, s. 10 (*2*).

[8] The word "twenty-five" was substituted for the word "twenty", *ibid.*, s. 10 (*1*).

Completion of the municipal election roll.

21. (*1*) When the list prepared as aforesaid has been revised by the Commissioner and corrected in compliance with any order passed in this behalf by [1][the authority mentioned in section 20], a printed copy thereof, signed by the Commissioner, shall be the municipal election roll and shall come into operation on the [1][twentieth] of December and continue in operation for [2][a period of four years] beginning on that day.

(*2*) The municipal election roll shall be divided and arranged in the same manner as the list from which it is made up. The separate ward lists, when completed, as hereinbefore provided, shall be called ward rolls. The ward rolls [3]* * * shall collectively be deemed to constitute the municipal election roll.

(*3*) Every person enrolled in the municipal election roll shall be deemed to be entitled to vote at a ward election [3]* * * *; and every person not enrolled in the said roll shall be deemed to be not entitled so to vote.

(*4*) Printed copies of the municipal election roll shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Commissioner, with the approval of the standing committee, in this behalf.

(*5*) If a municipal election roll is not made in due time, the municipal election roll in operation immediately before the time appointed for its preparation shall continue in operation until the new roll is made.

21A.** [*Procedure regarding election of delegates and councillors.*] ***Repealed by Bom. 48 of ,1950 *s.* 11.

Preparation and revision of list for supplementary election rolls

[4][**21B.** (*1*) Any person, whose name is not on the municipal election roll and who claims to be entitled to be enrolled as a voter under the provisions of sub-section (*2*) of section 11, may on or before the first day of September in any of the three years next succeeding the date on which the said roll came into operation under the provisions of sub-section (*1*) of section 21, give notice of his claim in writing to the Commissioner in such form as he may prescribe.

(*2*) The Commissioner shall hear the claims in the manner provided in sub-section (*13*) of section 19 and shall on or before the first day of November publish by affixing at some conspicuous place in every municipal office a list containing the names of the claimants who appear to him to be entitled to be enrolled as voters, and shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained.

(*3*) The said list shall be prepared in the same form as the list mentioned in sub-section (*1*) of section 19.

(*4*) Within three days from the date of publication of the said list, any person whose name is on the municipal election roll or in the said list may give notice in writing to the Commissioner objecting to the retention of the name of any person in the said list upon the ground that such person is not entitled to be enrolled as a voter, and shall also in such case give to such person, or leave at his last known place of residence, notice in writing of the objection and the nature thereof.

---

[1] The words "authority mentioned in section 20" and "twentieth" were respectively substituted for the words "Chief Judge aforesaid" and "tenth" by Bom. 6 of 1922, s. 11 (*a*).

[2] The words "a period of four years" were substituted for the words "the twelve months" by Bom. 1 of 1946, s. 5, read with Bom. 8 of 1948, s. 4.

[3] The words repealed by Bom. 6 of 1922, s. 11 (*b*) and (*c*) respectively are omitted.

[4] Sections 21B, 21C and 21D were inserted by Bom. 1 of 1946, s. 6, read with Bom. 8 of 1948, s. 4.

*Section 79 of Bom. 48 of 1950 reads as follows :—

Saving.

79. Nothing in sections 2 (*1*), (*4*) and (*5*), and 4 of to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvement Committee or any other Committee or sub-committee as constituted or appointed under the said Act immediatelys before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committee before the 1st day of April, 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

(*5*) The Commissioner shall thereafter dispose of all objections made under this section in the manner provided in sub-section (*13*) of section 19 and on or before the fifteenth day of November shall revise the list prepared as aforesaid in the same manner as the list mentioned in section 19, and for such purposes the procedure prescribed in sub-sections (*14*), (*15*), (*16*), (*17*), (*18*), (*19*) and (*22*) of section 19 and in section 20 shall be followed so far as may be required.]

Completion of supplementary election rolls.

[1][**21C.** When the list prepared under section 21B as aforesaid has been revised by the Commissioner and corrected in accordance with any order passed in that behalf by the authority mentioned in section 20, a printed copy thereof, signed by the Commissioner, shall come into operation as a supplementary election roll on the 20th day of December and shall thereafter be deemed to form part of the municipal election roll.]

Consolidation of supplementary election rolls.

[1][**21D.** Nothwithstanding anything contained in sections 21B and 21C, the Commissioner may include in any supplementary election roll, made as aforesaid the entries contained in any previous supplementary election roll made since the making of the last municipal election roll, and to the extent that such entries are included the previous supplementary ellection roll shall cease to have any operation.]

Elections of Councillors.

Dates of elections.

***22** [2][(*1*) General ward elections of Councillors shall be fixed by the Commissioner to take place every four years on such days in the months of January to March as he shall think fit :

Provided that the result of all general elections may, as fas as practicable, be declared before the end of March.].

(*2*) [*Repealed by Act XVI of 1895.*]

(*3*) Elections to fill casual vacancies shall be fixed by the Commissioner to take place on such days as he shall think fit as soon as conveniently may be after the occurrence of the vacancies.

***23.** [*Order in which general elections are to be held.*] *Repealed by Bom. 48 of 1950, s. 13.*

---

[1] Sections 21B, 21C and 21D were inserted by Bom. I of 1946, s. 6, read with Bom. 8 of 1948, s. 4.
[2] This sub-section was substituted for the original by Bom. 48 of 1950, s. 12.

*Section 79 of Bom. 48 of 1950 reads as follows :—

Savings.

79. Nothing in sections 2 (*1*), (*4*) and (*5*), and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other Committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committee before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

Division of the city into wards for purposes of elections.

24. (*1*) For the purposes of elections, [1][Greater Bombay] shall be divided into wards, and the number of councillors to be elected at ward elections shall be apportioned over the said wards.

(*2*) The corporation may, with the sanction of [2][the [3][State] Government], from time to time alter the number and boundaries of the wards and re-apportion the councillors to be elected at ward elections among the wards, but not so as that any such alteration or re-apportionment shall first have effect at a ward election to fill a casual vacancy.

(*3*) Unless and until they are so altered or re-apportioned, the number and respective boundaries of the wards and the number of councillors to be elected for each ward shall be as specified in Schedule B.

Notice to be given of day fixed for ward elections.

25. Fifteen days at least before the day fixed for a ward election [4]* * * notice of such election shall be given by the Commissioner. Such notice shall be given by advertisement in the [5][*Official Gazette*] and in the local newspapers, and [4]* * * *by posting placards in conspicuous places in the ward for which such election is to take place.

Candidates at ward elections must be nominated.

26. (*1*) Candidates for election at a ward election [6]* * * * * must be duly nominated in writing in accordance with the provisions hereinafter contained.

Provisions regarding nominations.

(*2*) With respect to such nominations, the following provisions shall have effect, namely :—

(*a*) The Commissioner shall provide printed forms of nomination-papers and any person entitled to vote at the election shall be supplied, at any time within seven days previous to the day fixed for the election [7][and up to 4 p.m. on the date of election,] with as many such forms as may be required, free of charge ;

(*b*) each nomination-paper must state the name, abode and description of the candidate in full, and be subscribed by two persons entitled to vote at the election as proposer and seconder, [8][and must bear the signature of the person nominated in token of his willingness to be so nominated ;]

(*c*) every nomination-paper subscribed [9][and signed] as aforesaid must be delivered at the Commissioner's office before five o'clock in the afternoon of the day fixed for the election ;

(*d*) each candidate must be nominated by a separate nomination-paper, but any person entitled to vote at the election may subscribe as many nomination-papers as there are vacancies to be filled, but no more ;

---

[1] These words were substituted for the words " the City " by Bom. 7 of 1950, s. 6 (*1*).

[2] The words " the Provincial Government " were substituted for the words " Government " by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[4] The words repealed by Bom. 6 of 1922, s. 13, are omitted.

[5] The words " *Official Gazette* " were substituted for the words " *Bombay Government Gazette* " by the Adaptation of Indian Laws Order in Council.

[6] The words repealed by Bom. 6 of 1922, s. 14 (*a*), are omitted.

[7] These words were inserted by Bom. 1 of 1925, s. 7 (*a*).

[8] These words were inserted by Bom. 1 of 1946, s. 9 (*a*), read with Bom. 8 of 1948, s. 4.

[9] The words " and signed " were inserted, *ibid*, s. 9 (*b*).

[1][(*dd*) if any person subscribes more nomination-papers than there are vacancies to be filled, the nomination papers received after the receipt of the maximum number permissible under clause (*d*) shall be deemed to be invalid ;]

(*e*) if any person nominated—

(*i*) is not enrolled in the municipal election roll as voter of a ward [2]* * * * or [2]* * * *

[3][(*ii*) has not made or caused to be made the deposit referred to in sub-section (*1*) of section 26A, or]

(*iii*) is disqualified for being a councillor for any of the reasons set forth in section 16,

the Commissioner shall declare such persons' nomination invalid ;

(*f*) if there is no valid nomination, it shall be deemed that no councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under section 34 ;

(*g*) if the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and for the remaining vacancy or vacancies, it shall be deemed that no councillor has been elected, and proceedings for filling such vacancy or vacancies shall be taken under section 34 ;

(*h*) if the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected ;

(*j*) if the number of valid nominations exceeds that of the vacancies, the election of councillors shall be made from among the persons nominated, and such election shall be termed "a contested election" : [4][provided that if any candidate validly nominated [5][dies or] [6][signifies in writing to the Commissioner not later than seven days after the day of election his intention] not to contest the election, then, if the remaining number of valid nominations is less than or the same as that of the vacancies, the remaining candidates validly nominated shall be deemed to be elected] ;

[7][Provided further that a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election] ;

(*k*) if, when two or more ward elections are held simultaneously for different wards, any person is deemed, under clause (*g*) or clause (*h*), to be elected a councillor for more than one ward, he shall, within twenty-four hours after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or, in his default, the Commissioner shall, when the time for choice has expired, declare for which one of those wards he shall serve. The choice or declaration so made shall be conclusive, and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void ;

(*l*) if, when ward elections are held as aforesaid, any person who is deemed under clause (*g*) or clause (*h*), to be elected a councillor for any one or more wards, has also been duly nominated for any one or more wards for which the number of nominations exceeds that of the vacancies, he shall within twenty-four hours after receipt of written notice thereof from the Commissioner choose, by writing signed by him and delivered to the Commissioner, whether he shall serve for the ward, or for any one of the wards for which he is elected, or will stand as a candidate at the contested election or elections for the other ward or wards. In his default, the Commissioner shall, when the time for choice has expired, declare that he shall serve for the ward or for some one of the wards for which he is elected, and his nomination for any other ward shall be deemed to be null and void. If such person chooses, by writing as aforesaid, to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

---

[1] Clause (*dd*) was inserted, by Bom. 1 of 1946, s 9 (*c*) read with Bom. 8 of 1948 s. 4.

[2] The portions repealed by Bom. 6 of 1922, s 14 (*b*), are omitted.

[3] New clause (*ii*) was inserted by Bom. 19 of 1930, s. 3.

[4] This proviso was added by Bom. 5 of 1905, s. 3.

[5] These words were added by Bom. 1 of 1925, s. 7 (*b*) (*i*).

[6] The words "signifies in writing to the Commissioner not later than seven days after the day of election his intention" were substituted for the original words by Bom. 1 of 1946, s. 9 (*d*) read with Bom. 8 of 1948, s. 4.

[7] This proviso was added by Bom. 1 of 1925, s. 7 (*b*) (*iii*).

Deposit by candidates.

[1][26A. (*1*) On or before the date appointed for the nomination of candidates for a ward election [2]* * * * each candidate [2]* * * * * * shall deposit or cause to be deposited with the Commissioner the sum of two hundred rupees in cash or in Government Promissory Notes of equal value at the market rate of the day, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(*2*) The deposit shall be returned if—

(*a*) the candidate is declared or is deemed to be duly elected, or

[3][(*b*) the candidate signifies in writing to the Commissioner not later than seven days after the day of election his intention not to contest the election, or]

(*c*) the nomination of the candidate is declared invalid, or

(*d*) the candidate dies, [4]* * * * after the scrutiny of nomination-papers and before the commencement of the poll, [5]* [6]* * * * *, or

(*e*) the candidate fails to be elected but secures [7]* * * * * valid votes in excess of the number specified in sub-section (*4*).

(*3*) The deposit shall be returned to the person by whom it was made. If a candidate dies [8]* * * *, before the day fixed for the poll, [8]* * *, the deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(*4*) If a candidate is not elected and [9]* * * *, if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled divided by the number of councillors to be elected in the ward for which the candidate is nominated, the deposit shall be forfeited to the corporation.

(*5*) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under section 32 :

Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the corporation.]

---

[1] New section 26A was inserted by Bom. 19 of 1930, s. 4.

[2] The words "or for election by co-option" and the words "for election or co-option, as the case may be," were omitted by Bom. 32 of 1935, s. 3 (*a*).

[3] Clause (*b*) was substituted by Bom. 1 of 1946, s. 10, read with Bom. 8 of 1948, s. 4.

[4] The words "in the case of a ward election" were omitted by Bom. 32 of 1935, s. 3 (*b*) (*i*).

[5] The word "and" was deleted by Bom. 24 of 1936, s. 2, Sch.

[6] The words "in the case of an election by co-option, before the day fixed for the election by cooption" were omitted by Bom. 32 of 1935, s. 3 (*b*) (*i*).

[7] The words "a first vote in the case of an election by co-option, and, in the case of a ward election" were omitted, *ibid*, s. 3 (*b*) (*ii*).

[8] The words "in the case of a ward election" and "or, in the case of an election by co-option, before the day fixed for the election", respectively, were omitted, *ibid*, s. 3 (*c*).

[9] The words "if, in the case of an election by co-option, he fails to secure any vote, or in the case of a ward election" were omitted, *ibid*. s. 3 (*d*).

27. (*1*) When a ward election [1]* * * * is contested, a poll shall be taken [2][twenty-one] days after the day fixed for the election. At such poll, the municipal election roll, which was in operation on the day fixed for the election, shall be deemed to be the roll to which reference must be made for the purposes of the election.

Poll to be taken when a ward election is contested.

(*2*) At least [3][three] days before the day of the poll, the Commissioner shall cause the names of all the persons validly nominated, with their respective abodes and descriptions, [4]* * * * * to be published in the [5][*Official Gazette*] and in the local newspapers.

Names of candidates validly nominated to be published.

[6][**27A.** (*1*) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely :—

Prohibition of canvassing in or near polling stations.

(*a*) canvassing for votes; or

(*b*) soliciting the vote of any voter; or

(*c*) persuading any voter not to vote for any particular candidate; or

(*d*) persuading any voter not to vote at the election; or

(*e*) exhibiting any notice or sign (other than an official notice) relating to the election.

(*2*) Any person who contravenes the provisions of sub-section (*1*) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(*3*) Any offence punishable under this section shall be cognizable.

27B. (*1*) No person shall, on the date or dates on which a poll is taken at any polling station—

Penalty for disorderly conduct in or near polling stations.

(*a*) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as, a megaphone or a loudspeaker, or

(*b*) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(*2*) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (*1*) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(*3*) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(*4*) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (*1*) and may seize any apparatus used for such contravention.]

---

[1] The words repealed by Bom. 6 of 1922, s. 15, are omitted.

[2] The words "twenty-one" were substituted for the word "seven" by Bom. 1 of 1946, s. 11, read with Bom. 8 of 1948, s. 4.

[3] The word "three" was substituted for the word "four" by Bom. 10 of 1928, s. 3 (*a*).

[4] Words repealed, *ibid.*, s. 3 (*b*), are omitted.

[5] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[6] Sections 27A to 27C were inserted by Bom. 54 of 1955, s. 3.

Penalty for misconduct at polling stations.

[1]27C. (*1*) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(*2*) The powers conferred by sub-section (*1*) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(*3*) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(*4*) An offence punishable under sub-section (*3*) shall be cognizable.]

Provisions respecting contested ward elections.

[2][28. With respect to the contested ward elections the following provisions shall have effect, namely :—

(*a*) votes shall be given by ballot and in person. No votes shall be received by proxy;

(*b*) no votes shall be received for any candidate whose name has not been published by the Commissioner under sub-section (*2*) of section 27 as having been validly nominated;

[3][(*c*) no person shall vote at a general election in more than one ward and if a person votes in more than one ward his votes in all such wards shall be void;

(*ca*) no person shall at any election vote in the same ward more than once notwithstanding that his name may appear in the municipal election roll for that ward more than once on the ground that he possessed more than one of the requisite qualifications referred to in section 11, and if a person votes in the same ward more than once all his votes in that ward shall be void ;]

[4][(*d*) when the name in a ward roll is that of a company, firm, association, body of individuals or an undivided Hindu family, all the persons whose names are entered against such company, firm, association, body of individuals or undivided Hindu family in the ward roll shall be entitled to vote ;]

(*f*) in plural councillor wards every elector shall have as many votes as there are councillors to be elected at such election for such ward, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit;

(*g*) the person, or where there is more than one councillor to be elected, the persons not exceeding the number of councillors to be elected, who have the greatest number of valid votes shall be deemed to be elected;

(*h*) where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine;

(*i*) if a candidate is elected councillor for more than one ward, he shall, within three days after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or in his default the Commissioner shall, when the time for choice has expired, declare for which of the wards he shall serve and the choice or declaration shall be conclusive ;

---

[1] Sections 27A to 27C were inserted by Bom. 54 of 1955, s. 3.

[2] Section 28 was substituted for the original section by Bom. 1 of 1925, s. 8.

[3] These clauses were substituted for clause (*c*) by Bom. 54 of 1955, s. 4.

[4] This clause was substituted for clauses (*d*) and (*e*) by Bom. 13 of 1938, s. 13 (*1*).

(*j*) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given and the candidate, if any, who but for the said votes would have been declared to have been elected for such ward shall be deemed to have been elected for the same ;

(*k*) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of valid votes given for each candidate, [1]* * * and shall cause lists to be prepared for each ward, specifying the name of all candidates, and the number of valid [2]* * * votes given to each candidate. In accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of such list shall be supplied to any candidate of the ward and shall be available for inspection to any voter of the ward.

Maintenance of secrecy of voting.

[3][**28A.** (*1*) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(*2*) Any person who contravenes the provisions of sub-section (*1*) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both.

Officers, etc., at elections not to act for candidates or to influence voting.

28B. (*1*) No person who is the Commissioner or a presiding or polling officer at an election or an officer or clerk appointed by the Commissioner or the presiding officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(*2*) No such person as aforesaid and no member of a police force shall endeavour—

(*a*) to persuade any person to give his vote at an election ; or

(*b*) to dissuade any person from giving his vote at an election ; or

(*c*) to influence the voting of any person at an election in any manner.

(*3*) Any person who contravenes the provisions of sub-section (*1*) or sub-section (*2*) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

Breaches of official duty in connection with elections.

28C. (*1*) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(*2*) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(*3*) The persons to whom this section applies are the Commissioner, presiding officers, polling officers and any other person appointed to perform any duty in connection with the preparation of a municipal election roll, the receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

---

[1] The words and figure " and he shall, as soon as may be, hear and decide all objections, if any, to or regarding the poll, made to him in writing not later than 5 o'clock of the afternoon of the day after the poll " were deleted by Bom. 1 of 1946, s. 12, read with Bom. 8 of 1948, s. 4.

[2] The words " and the number of rejected " were deleted, *ibid.*

[3] Sections 28A to 28I were inserted by Bom. 54 of 1955, s. 5.

Removal of ballot papers from polling stations to be an offence.

28D. (*1*) Any person, who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(*2*) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (*1*), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(*3*) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(*4*) An offence punishable under sub-section (*1*) shall be cognizable.

Other offences and penalties therefor.

28E. (*1*) A person shall be guilty of an offence if at any election he—

(*a*) fraudulently defaces or fraudulently destroys any nomination paper; or

(*b*) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of the Commissioner; or

(*c*) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(*d*) without due authority supplies any ballot paper to any person; or

(*e*) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(*f*) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(*g*) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(*2*) Any person guilty of an offence under this section shall—

(*a*) if he is the Commissioner or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both;

(*b*) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(*3*) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of such election including the counting of votes or to be responsible after such election for the used ballot papers and other documents in connection with such election; but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

(*4*) An offence punishable under clause (*b*) of sub-section (*2*) shall be cognizable.

What is a corrupt practice.

28F. A person shall be deemed to have committed a corrupt practice within the meaning of section 33,—

(*i*) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury, to any person ; or

(*ii*) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote ; or

(*iii*) who hires or procures, whether on payment or otherwise, any vehicle or vessel for the conveyance of any voter to, or from, any polling station :

Provided that—

(*a*) the hiring of a vehicle or vessel by a candidate for himself or his family or an election agent shall not be deemed to be a corrupt practice under this section ;

(*b*) the hiring of a vehicle by a voter or by several voters at their joint cost for the purpose of conveying him or them, to, or from, any such polling station shall not be deemed to be corrupt practice under this section, if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power ;

(*c*) the use of any public transport vehicle or vessel or any tram-car or railway carriage by any voter at his own cost for the purpose of going to, or coming from, any such polling station shall not be deemed to be a corrupt practice under this section.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent with reference to the election.

Explanation.—The expression " a promise of individual profit "—

(*i*) does not include a promise to vote for or against any particular measure which may come before the corporation for consideration, but (*ii*) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

Corrupt practices, criminal offences and procedure.

28G. (*1*) (*a*) Whoever in any election directly or indirectly, by himself or by any other person on his behalf, shall, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offer or give any money or valuable consideration or hold out any promise of individual profit or hold out any threat of injury to any person, or

(*b*) whoever shall give, procure or abet the giving of a vote in the name of a voter, who is not the person giving such vote, or

(*c*) whoever hires or procures any vehicle or vessel for the conveyance of any voter, to, or from, a polling station in the circumstances described in clause (*iii*) of section 28F,

shall be liable to a fine not exceeding two hundred rupees for every such offence.

(*2*) Whoever, being qualified to vote at any election claiming to be so qualified accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any money or valuable consideration or any individual profit as a motive or reward for giving or forbearing to give his vote in any such election shall be liable to a fine not exceeding one hundred rupees for every such offence.

Explanation.—In sub-sections (*1*) and (*2*) 'individual profit' includes a benefit accruing to the person himself or to any one in whom he is interested. It does not include a promise to vote for or against any measure which may come before the corporation for consideration.

(*3*) Every person convicted under sub-section (*1*) or sub-section (*2*) shall, for such period not exceeding seven years from the date of the conviction as the Court may direct, be disqualified from voting at any election.

(*4*) No court shall take cognizance of any offence under this section except on the complaint of the Judge who has held an enquiry under section 33 or before whom such enquiry is pending.

(*5*) No prosecution for an offence under this section shall be instituted except within six months next after the date of the declaration of the result of the election.

(*6*) An appeal shall lie to the High Court against any sentence or order passed by a Magistrate under sub-section (*1*), sub-section (*2*) or sub-section (*3*).

Adjournment of poll in emergencies.

28H. (*1*) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the presiding officer for such polling station or the Commissioner, as the case may be, shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a presiding-officer, he shall forthwith inform the Commissioner.

(*2*) Whenever a poll is adjourned under sub-section (*1*), the Commissioner shall, as soon as may be, appoint the day on which the poll shall recommence and fix the polling station, at which, and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(*3*) The notice of the polling station and the date and hours fixed under sub-section (*2*) shall be published by the Commissioner in the *Official Gazette* and in the local newspapers at least three days before the date of the fresh poll.

Fresh ballot in the case of destruction, etc., of ballot boxes.

28I. (*1*) If at any election any ballot box or boxes is or are unlawfully taken out of the custody of the Commissioner, or any presiding officer or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed or lost, the election to which such ballot box or boxes relate shall be void, but only in respect of the polling at the polling station or stations at which such ballot box or boxes was or were used and no further.

(*2*) Whenever the polling at any polling station or stations shall become void under sub-section (*1*), the Commissioner shall, as soon as practicable after the act or event causing such voidance has come to his knowledge, appoint a day for the taking for a fresh poll in such or every such polling station and fix the hours during which the poll will be taken and shall not count the votes cast at such election until such fresh poll shall have been completed

(*3*) The notice of the polling station and the date and hours fixed under sub-section (*2*) shall be published by the Commissioner in the *Official Gazette* and in all local newspapers at least three days before the date of the fresh poll.]

Corporation may make rules for the conduct of elections.

[1]29. [2]Subject to the provisions of this Act the corporation shall, with the sanction of the [3][State] [4][Government], make rules for the conduct of elections, and in particular providing—

(*a*) for the appointment of polling stations for each ward;

(*b*) for the appointment of [5][presiding officers and polling officers] and other persons to assist at the poll and for the remuneration of such [5][presiding officers and polling officers] and other persons for their services;

(*c*) for the hours during which polling stations shall be open for the recording of votes;

(*d*) for the printing and for the issue of voting papers;

(*e*) for the checking of voters by reference to the [6][municipal election] roll;

[7][(*ee*) with a view to preventing personation, for the marking with indelible ink of the left fore-finger or any other finger of every voter applying for a ballot paper including the provision for the withdrawal of the issue of a ballot paper to any voter who refuses to allow indelible ink mark to be put on his left fore-finger or any other finger or who has been found to have such indelible ink mark on his left fore-finger or any other finger;]

(*f*) for the manner in which votes are to be given and in particular for the case of illiterate voters or of voters under physical or other disability;

(*g*) for the procedure to be followed in respect of challenged votes, or tender of votes by persons representing themselves to be electors, after other persons have voted as such electors;

(*h*) for the scrutiny of votes;

(*i*) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved and for the inspection and production of such papers;

and may make such other rules regarding the conduct of the elections as it thinks fit.

***30.** [*Proceedings at Fellows' elections.*] *Repealed by Bom. 48 of 1950, s. 14.*

30A. [*Proceedings at elections of co-opted councillors.*] *Repealed by Bom. I of 1925.*

---

[1] This new section 29 was inserted by Bom. 1 of 1925, s. 9. The original section 29 was repealed by Bom. 6 of 1922.

[2] Section 29 (*1*) was renumbered as section 29 by Bom. 24 of 1936, s. 2, Sch.

[3] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] These words were substituted for the words "Polling Officers", by Bom. 54 of 1955, s. 6 (*1*).

[6] The words "municipal election" were substituted for the word "electoral" by Bom. 1 of 1946, s. 13, read with Bom. 8 of 1948, s. 4.

[7] This clause was inserted by Bom. 54 of 1955, s. 6 (*2*).

*Section 79 of Bom. 48 of 1950, reads as follows :—

Savings.

79. Nothing in sections 2 (*1*), (*4*) and (*5*), and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other Committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committee before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

†31. [*Proceedings at elections by the Chamber or Association.*] *Repealed by Bom. 48 of 1950, s. 15.*

31A. [*Repealed by Bom. 17 of 1931, s. 3.*]

Declaration of results of elections.

32. (*1*) The result of every election shall be declared by fixing, as soon as may be after the election, in some conspicuous place on the chief municipal office, a notice †[1][signed by the Commissioner] certifying the names of the persons, if any, elected and, in the case of a contested election, the number of votes recorded for each candidate.

†[2]* * * * * * *

Election petitions to be heard and disposed of by Chief Judge of the Small Cause Court.

33. (*1*) If the qualification of any person declared to be elected for being a councillor is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection by the Commissioner of a nomination or of the improper reception or refusal of a vote, or for any other cause [3][or if the validity of the election of a person is questioned on the ground that he has committed a corrupt practice within the meaning of section 28F], any person enrolled in the municipal election roll may, at any time, within [4][fifteen] days [5][from the date on which the list prescribed under clause (*k*) of section 28 was available for sale or inspection in the Commissioner's office] apply to the Chief Judge of the Small Cause Court. [6][If the application is for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all candidates who, although not declared elected, have, according to the results declared by the Commissioner under section 32, a greater number of votes than the said candidate, and proceed against them in the same manner as against the said candidate.]

[7][(*1A*) The applicant shall, whenever so required by the Chief Judge, deposit in the Court a sum of Rs. 500 in cash or Government securities of equivalent value at the market rate of the day as security for any costs which the applicant may be ordered to pay to other parties to the said application.]

(*2*) If the said Chief Judge, after making such inquiry as he deems necessary, finds that the election was a valid election and that the person whose election is objected to is not disqualified, he shall confirm the declared result of the election. [8][If he finds that the person whose election is objected to is disqualified for being a councillor he shall declare such person's election null and void. If he finds that the election is not a valid election he shall set it aside. In either case he shall direct that the candidate, if any, in whose favour the next highest number of valid votes is recorded after the said person or after all the persons who were returned as elected at the said election, and against whose election no cause of objection is found, shall be deemed to have been elected.]

---

[1] These words were inserted by Bom. 48 of 1950, s. 16 (*1*).

[2] Sub-section (*2*) was deleted, *ibid.*, s. 16 (*2*).

[3] This portion was inserted by Bom. 54 of 1955, s. 7 (*1*).

[4] "Fifteen" was substituted for "eight" by Bom. 5 of 1905, s. 5 (*1*) (*a*).

[5] These words were substituted for the original words by Bom. 1 of 1925, s. 12.

[6] These words were added by Bom. 5 of 1905, s. 5 (*1*) (*b*).

[7] Sub-section (*1A*) was inserted by Bom. 1 of 1946, s. 14, read with Bom. 8 of 1948, s. 4.

[8] These words were substituted for the original words by Bom. 5 of 1905, s. 5 (*2*).

†Section 79 of Bom. 48 of 1950 reads as follows :—

Savings.

79. Nothing in sections 2 (*1*), (*4*) and (*5*), and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other Committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committee before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

[1][(*2A*) When an election of a person is questioned on the ground that he has committed a corrupt practice within the meaning of section 28F, the Chief Judge shall, if he is satisfied that a candidate has committed such corrupt practice, declare a candidate disqualified both for the purposes of that election and of such fresh election as may be held during the current term of office of the councillors elected at the general election and shall set aside the election of such candidate if he has been elected.]

(*3*) The said Chief Judge's order shall be conclusive.

[2]* * * * * * * *

(*5*) Every election not called in question in accordance with the foregoing provisions shall be deemed to have been to all intents a good and valid election.

Procedure if election fails or is set aside.

[3]**34.** (*1*) If at any general election or an election held to fill a casual vacancy, no councillor is elected or an insufficient number of councillors are elected or the election of any or all of the councillors is set aside under sub-section (*2*) of section 33 and there is no other candidate or candidates who can be deemed to be elected in his or their place under the said sub-section, the Commissioner shall appoint another day for holding a fresh election and a fresh election shall be held accordingly.

(*2*) A councillor elected under this section shall be deemed to have been elected to fill a casual vacancy under section 9.

Appointment of Councillors by [4][State] Government.

35. [*Appointments by [4][State] Government of councillors when to be made.*] *Repealed by Bom. 13 of 1938, s. 14.*

Proceedings of the Corporation.

Provisions regulating the corporation's proceedings.

36. The corporation shall meet for the despatch of business and shall from time to time make such regulations with respect to the summoning, notice, place, management and adjournment of such meetings, and generally with respect to the mode of transacting and managing the business of the corporation [5][including the submission, asking and answering of questions under section 66A] as they think fit, subject to the following conditions :—

(*a*) there shall be one ordinary meeting in each month ; the ordinary meeting in the month of March shall be held not later than on the twentieth day of that month ;

(*b*) the first meeting in the month of April, after general elections, shall be held as early as conveniently may be in the said month on a day and at a time and place to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner ;

(*c*) the day, time and place of meeting shall in every other case be fixed by the [6][Mayor], or in the event of the office of [6][Mayor] being vacant, or of the death or resignation, of the [6][Mayor] or on his ceasing to be a councillor, or his being incapable of acting, by the chairman of the standing committee ;

(*d*) the [6][Mayor] or in any such event as aforesaid, the chairman of the standing committee may, whenever he thinks fit, and shall, upon a written requisition signed by not less than [7][one-sixth of the whole number of] councillor or by not less than four members of the standing committee, call a special meeting;

---

[1] This sub-section was inserted by Bom. 54 of 1955, s. 7 (*2*).

[2] Sub-section (*4*) was omitted by Bom. 28 of 1935, s. 3.

[3] Section 34 was substituted for the original section, *ibid.*, s. 4.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Orders 1950.

[5] These words, figures and letter were inserted by Bom. 23 of 1930, s. 2 (*i*).

[6] The word "Mayor" was substituted for original words by Bom. 21 of 1931, s. 2.

[7] These words were substituted for the word "sixteen" by Bom. 7 of 1950, s. 8 (*i*).

(*e*) every meeting shall be open to the public, unless a majority of the councillors present thereat decide by a resolution, which shall be put by the presiding authority, of his own motion or at the request of any councillor present without previous discussion, that any inquiry or deliberation pending before the corporation is such as should be held in private, and provided that the presiding authority, may at any time cause any person to be removed who interrupts the proceedings;

(*f*) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present [1][inclusive of the presiding authority, falls short of one-fifth of the whole number of councillors] the presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting or, if the latter meeting should be again adjourned, at any subsequent adjourned meeting, [2][whether there is a quorum present] thereat or not;

(*g*) every meeting shall be presided over by the [3][Mayor] if he is present at the time appointed for holding the same, and if the office of [3][Mayor] is vacant, or if the [3][Mayor] is absent, by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion;

(*h*) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the purpose of considering an annual budget-estimate, in pursuance of a written requisition signed by not less than four members of the standing committee, upon a notice of not less than three clear days; of adjourned meetings such previous notice shall be given as shall be practicable having regard to the period of the adjournment;

(*j*) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat [4][other than questions under section 66A] and shall be given by the municipal secretary by advertisement in the local newspapers and, except in the case of adjourned meetings or of meetings called upon a requisition of urgency, in the [5][*Official Gazette*];

(*k*) any councillor who desires at any meeting to bring forward any business, [6][other than any questions under section 66A] or to make any substantive proposition, which is not already specified in the notice of such meeting, shall give written notice of the same to the municipal secretary at least three clear days before the day fixed for the meeting; and a supplementary announcement of the business or propositions, of which notice has been so given, shall be given by the said secretary in not less than one local daily newspaper not later than the day previous to the meeting;

(*l*) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget-estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (*j*) [7][and any questions asked under section 66A] or urgent business not specified in the said notice which the [1][standing committee, the improvements committee, the [2][Education Committee] or the Commissioner deem] it expedient to bring before the meeting, and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any published under clause (*k*), or which is not in support of the recommendation of the standing committee [3][the improvements committee, the [2][Education Committee] or the Commissioner, as the case may be, with reference to any urgent business brought by any] of those authorities, respectively before the meeting: Provided that no such urgent business as aforesaid shall be brought before any meeting unless at least three-fourths of the councillors present at such meeting, such three-fourths being not less than [4][one-sixth of the whole number of councillors] assent to its being brought forward thereat;

---

[1] These words were substituted for the words "falls short of twenty-five inclusive of the Presiding authority" by Bom. 7 of 1950, s. 8 (*ii*).

[2] These words were substituted for the words "whether there be a quorum of twenty-five members present" *ibid*.

[3] The word "Mayor" was substituted for original words by Bom. 21 of 1931, s. 2 (*i*).

[4] These words, figures and letter were inserted by Bom. 23 of 1930, s. 2 (*ii*).

[5] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[6] These words, figures and letter were inserted by Bom. 23 of 1930, s. 2 (*iii*).

[7] These words, figures and letter were inserted, *ibid*, s. 2 (*iv*).

(*m*) at a meeting called on a requisition of urgency and during the discussion at any meeting of a budget-estimate, no business shall be transacted and no substantive proposition shall be made or discussed which does not directly relate to the business for which the urgent meeting was called, or to the budget-estimate, as the case may be; and no proposition involving any change in the taxes which the standing committee propose to impose, or an increase or decrease of any item of expenditure in a budget-estimate, shall be made or discussed at any meeting at which such budget-estimate is under consideration, unless such proposition is specified in the notice of the meeting published under clause (*j*) or in the supplementary announcement, if any, published under clause (*k*), or unless, in the case of an adjourned meeting, each of the conditions mentioned in the proviso to clause (*n*) has been fulfilled;

(*n*) any meeting may, with the consent of a majority of the councillors present, be adjourned from time to time, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business and propositions remaining undisposed of at the meeting from which the adjournment took place: Provided that at any adjourned meeting at which a budget-estimate is under consideration a proposition involving any change such as is described in clause (*m*), may be made and discussed, notwithstanding that such proposition is not one remaining undisposed of at the meeting from which the adjournment took place, if each of the following conditions has been fulfilled, namely—

(*i*) that written notice of such proposition has been given at the meeting from which the adjournment took place;

(*ii*) that the adjournment has been for not less than [5][two] clear days; and

(*iii*) that a special announcement of the proposition has been given by the municipal secretary (who shall be bound to give such announcement) in not less than one local daily newspaper not later than the day previous to the adjourned meeting;

(*o*) a minute of the names of the councillors present and of the proceedings at every meeting shall, on the day following the meeting, or as soon thereafter as may be, be drawn up and fairly entered by the municipal secretary in a book to be provided for this purpose and shall be signed at, and by the presiding authority of, the next ensuing meeting; and the said minute book shall at all reasonable times be open at the chief municipal office to inspection by any councillor free of charge, and by any other person on payment of a fee of eight annas ;

---

[1] These words were substituted for the original by Bom. 76 of 1948, s. 2.

[2] These words were substituted for the words "Schools Committee" by Bom. 48 of 1950, s. 17.

[3] These words were substituted for the original by Bom. 76 of 1948, s. 2.

[4] These words were substituted for the words "fifteen in number" by Bom. 7 of 1950, s. 8 (*iii*).

[5] This word was substituted for the word "three" by Bom. 76 of 1948, s. 2.

(*p*) a councillor shall not vote or take part in the discussion of any matter before a meeting [1][or ask any question under section 66A concerning any matter] in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of section 16, or in which he is professionally interested on behalf of a client, principal or other person ;

(*q*) every question other than the question whether the standing committee [2][the improvements committee, the [3][Education Committee] or the Commissioner shall be permitted to bring urgent business before a meeting without notice, shall be decided by a majority of votes of the councillors present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes ;

(*r*) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute-book shall, unless a poll be demanded at the time of such declaration by not less than four councillors, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition ;

(*s*) when a poll is taken, the vote of each councillor present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the councillors voting respectively for or against the proposition shall be recorded in the minute-book ;

(*t*) the Commissioner shall have the same right of being present at a meeting of the corporation and of taking part in the discussions thereat as a councillor, and with the consent of a majority of the concillors present, ascertained by a show of hands, without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting.

[4][(*u*) the corporation may require any of its officers to attend any meeting or meetings of the corporation at which any matter dealt with by such officer in the course of his duties is being discussed. When any officer is thus required to attend any such meeting, he may be called upon to make a statement or explanation of facts or supply such information in his possession relating to any matter dealt with by him as the corporation may require.]

Power to order withdrawal of member.

[5]**36A.** (*1*) The [6][presiding authority] shall preserve order and may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the corporation. Any councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any councillor is ordered to withdraw a second time within 15 days, the [6][presiding authority] may suspend the councillor from attending

---

[1] These words, figures and letter were inserted by Bom. 23 of 1930, s. 2 (*v*).
[2] These words were inserted by Bom. 76 of 1948, s. 2.
[3] These words were substituted for the words "Schools Committee" by Bom. 48 of 1950, s.17.
[4] Clause (*u*) was added by Bom. 4 of 1947, s. 2.
[5] New section 36A was inserted by Bom. 10 of 1928, s. 6.
[6] The words "presiding authority" were substituted for the word "president" by Bom. 21 of 1931, s. 2 (*ii*).

the meetings of the corporation for any period not exceeding 15 days and the councillor so directed shall absent himself accordingly :

Provided that the [1][presiding authority] may remit the period of suspension on apology being made to his satisfaction by the councillor under suspension :

Provided also that such suspension from the service of the corporation shall not prevent any councillor from serving on any committee.

(*2*) The [1][presiding authority] may, in the case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding three days.

[2][*Mayor*.]

Appointment of Mayor.

37. (*1*) The corporation shall, at their first meeting in each official year, appoint one of their own number to be [2][Mayor] until the first meeting of the corporation in the next following official year, unless the councillors in the meantime retire from office, and then until the day for retirement.

(*2*) Any councillor who ceases to be [2][Mayor] shall be re-eligible.

(*3*) If any casual vacancy occurs in the office of [2][Mayor], the corporation shall, as soon as they conveniently can after the occurrance of such vacancy, choose one of their number to fill such vacancy and every [2][Mayor] so chosen shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

Committees.

Appointment of consultative committees for special purposes.

38. The corporation may from time to time appoint out of their own body such and so many committees consisting of such number of persons, and may refer to such committees for inquiry and report or for opinion, such sspecial subjects relating to the purposes of this Act as they shall think fit.

Special committees of the corporation.

[3]**38A.** (*1*) The corporation may from time to time appoint, out of their own body, special committees and may by specific resolution carried by a vote of at least two-thirds of the members of the corporation present at the meeting delegate any of their powers and duties to such committees, and may also by a like resolution define the sphere of business of each special committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the corporation with such committee's recommendation.

(*2*) Every special committee shall conform to any instructions that may from time to time be given to them by the corporation.

(*3*) The corporation may, at any time, dissolve or subject to any rules made by them in this behalf alter the constitution of any special committee.

---

[1] The words "presiding authority" were substituted for the word "president" by Bom. 21 of 1931, s. 2 (*ii*).

[2] The word "Mayor" was substituted for the original words, *ibid.*, s. 2 (*i*).

[3] This section was inserted by Bom. 1 of 1925, s. 13.

(*4*) Every special committee shall appoint two of their number to be their Chairman and Deputy Chairman :

Provided that no member shall, at the same time,be the Chairman of more than one special committee.

(*5*) In the absence of the Chairman or Deputy Chairman, the members of the special committee present shall choose one of their number to preside over their meeting.

(*6*) All the proceedings of every special committee shall be subject to confirmation by the corporation :

Provided that any special committee may by a resolution supported by at least one-half of the whole number of members of the committee direct that action be taken in accordance with the decision of such committee without waiting for confirmation of their proceedings by the corporation, if the committee consider that serious inconvenience would result from delay in taking such action ; but if the corporation do not confirm the proceedings of the special committee, such steps shall be taken to carry out any orders passed by the corporation as may still be practicable :

Provided also that, if, in delegating any of their powers or duties to a special committee under sub-section (*1*), the corporation direct that the decision of the special committee shall be final, then so much of the proceedings of the special committee as relate to such powers or duties shall not be subject to confirmation by the corporation, if such decision is supported by at least one-half of the whole number of members of the committee.

(*7*) The corporation may make rules for regulating the constitution of special committees and the conduct of business at meetings of such committees, and for the keeping of minutes and the submission of reports.

Special committees of the standing committee [3][,the Improvements Committee or the Education Committee].

[1][[2]**38B.** The standing committee [3][,the Improvements Committee or the Education Committee] may, from time to time, by a resolution carreid by a vote of at least two-thirds of their members present at the meeting, delegate to any special committee appointed under section 38A any of their powers and duties in respect of any matter with which such special committee are competent to deal, or refer to any such committee any such matter for disposal or report, and every such special committee shall conform to any instructions that may from time to time be given to them by the standing committee [4][,the Improvements Committee or the Education Committee] as the case may be], in this behalf :

Provided that every such resolution shall be reported by the standing committee [3][,the Improvements Committee or the Education Committee], as the case may be,] to the corporation as soon as possible, and the corporation may at any time cancel such resolution.

---

[1] This section was inserted by Bom. 1 of 1925, s. 13.

[2] "Section 38B (*1*)" was renumbered "38B" by Bom. 13 of 1933, s. 4 (*1*).

[3] These words were substituted for the words " or the Improvements Committee" by Bom. of 1950, s. 18.

[4] These words were substituted for the words " or Improvemuets Committee" *ibid.*

Appointment of sub-committees by the Improvements Committee.

[1][**38C.** The Improvements Committee may from time to time appoint out of their own body sub-committees consisting of such number of persons as the Improvements Committee may think fit and may refer to such sub-committees for inquiry and report or for opinion any matter with which the Improvements Committee is competent to deal under the provisions of this Act.]

Appointment of Primary Education Consultative Committee.

[2][**39.** (*1*) The Corporation may appoint a Primary Education Consultative Committee.

(*2*) Such Committee may be appointed by the Corporation either by itself or in consultation with the State Government.

(*3*) The constitution of such Committee shall be as provided by by-laws made under section 461.

(*4*) The Corporation may by any agreement with the State Government in this behalf refer to such Committee for inquiry and report or for opinion any question relating to the purposes of clause (*q*) of section 61.]

---

[1] New section "38C" was inserted, by Bom. 13 of 1933, s. 5.

[2] Section 39 was substituted for the original by Bom. 48 of 1950, s. 19.

Committee may be appointed for other educational purposes.

40. The corporation may, for the purpose of giving effect to measures and arrangements in furtherance of secondary education or any branch of technical or other instruction, appoint or join in appointing a committee [1]* * * as may be determined by any by-law made under section 461, and such committee shall have in relation to the branch of education and the institutions for which it is appointed the like powers and duties as are herein assigned to the [1]* * * [2][Education Committee], save as the same may be varied by any by-law made under the said section.

Appointment of Hospital Committee.

41. The corporation, either singly or in concurrence with [3][the [4][State] Government], may appoint a Hospital Committee with such constitution, powers and duties with respect to hospitals and institutions for the benefit of the aged, sick and infirm, vesting wholly or partly in the corporation and supported or aided out of its funds, as may be defined and provided by by-laws made under section 461 or by any agreement made with [3][the [4][State] Government] in this behalf.

(*B*) *The Standing Committee.*

Constitution of standing Committee.

42. The standing committee shall consist of [5][sixteen] councillors

[6]* * * * * * *

Members of the standing committee when to be appointed.

43. (*1*) The corporation shall at their first meeting in the month af April, after general elections, appoint [7][sixteen] persons out of their own body to be members of the standing committee.

[8][(*2*) The Chairman of the Education Committee shall also be a member of the Standing Committee.]

[9]* * * * * * *

Appointment of chairman of standing committee.

44. (*1*) The standing committee shall at their first meeting in each official year appoint one of their own number to be their chairman until the first meeting of the said committee in the next following official year.

(*2*) A member of the standing committee who ceases to be chairman shall be re-eligible.

(*3*) If any casual vacancy occurs in the office of chairman, the standing committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number to fill such vacancy and every chairman so chosen shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

Members of standing committee to retire by rotation.

[10][**45.** (*a*) One half of the members of the standing committee shall retire at noon on the first day of April every year.

(*b*) The members who shall retire one year after the standing committee is constituted under section 43 shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman may determine.

(*c*) During the succeeding years, the members who shall retire under this section shall be the members who were longest in office :

---

[1] Portion repealed by Bom. 3 of 1907, s. 8 (8), is omitted.

[2] These words were substituted for the words "Schools Committee" by Bom. 48 of 1950, s. 20.

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] The word "sixteen" was substituted for the word "twelve" by Bom. 6, of 1922, s. 20.

[6] The words deleted by Bom. 13 of 1938, s. 16, are omitted.

[7] This word was substituted for the word "twelve" *ibid*, s. 17 (*1*).

[8] This sub-section was added by Bom. 48 of 1950, s. 21.

[9] Original sub-section (*2*) was deleted by Bom. 13 of 1938, s. 17 (*2*).

[10] This section was substituted for the original, *ibid.*, s. 18.

Provided that in the case of a member who has been re-elected the term of his office for the purposes of this clause shall be computed from the date of his re-election.]

[1][(*d*) The term of office of the Chairman of the Education Committee as a member of the Standing Committee shall continue so long as he continues as such Chairman.]

Appointment of members of standing committee to replace those who retire.

46. (*1*) The corporation shall at their ordinary meeting in the month of March appoint fresh members of the standing committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid. [2]* * * * *

(*2*) Any councillor who ceases to be a member of the standing committee shall be re-eligible.

Member of standing committee absenting himself for three months from meetings to vacate seat.

[3][**46A.** Any member of the standing committee who absents himself during three successive months from the meetings of the committee, except on account of temporary illness or other cause to be approved by the committee, or absents himself from or is unable to attend the meetings of the committee during eight successive months, from any cause whatever, whether approved by the committee or not, shall cease to be a member of the standing committee and his seat shall thereupon be vacant.]

Casual vacancies in the standing committee how to be filled up.

47. In the event of non-acceptance of office by a councillor appointed to be a member of the standing committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office [4][or of his seat becoming vacant under section 46A] the vacancy shall be filled up as soon as it conveniently may be, by the appointment [5]* * * * of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

Each standing committee to continue in office till a new committee is appointed.

48. The standing committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new standing committee is appointed under section 43, notwithstanding that the members of the said committee or some of them may no longer be councillors.

Provisions regulating the proceedings of the standing committee.

49. The standing committee shall meet for the despatch of business in the chief municipal office and may, from time to time, make such regulations with respect to such meetings and with respect to the scrutiny of the municipal accounts as they think fit, subject to the following conditions:—

(*a*) there shall be a meeting of the standing committee once a week, and at such other times as shall be found necessary;

(*b*) the first meeting of each standing committee shall be held on a day and at a time to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner; and every subsequent meeting of the standing committee shall be held on such day and at such time as the said committee from time to time determine;

---

[1] This clause was added by Bom. 48 of 1950, s. 22.

[2] The words beginning with "and, within one week" and ending with "as aforesaid" were deleted by Bom. 13 of 1938, s. 19.

[3] This section was inserted, by Bom. 5 of 1938, s. 8.

[4] This was inserted, *ibid.*, s. 9

[5] The words "by the corporation or by Government, as the case may be" were deleted by Bom. 13 of 1938, s. 20.

(*c*) the chairman of the standing committee shall, upon a written requisition signed by the Commissioner, call a special meeting of the said committee within twenty-four hours for the transaction of any business which, in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said committee;

(*d*) no business shall be transacted at a meeting of the standing committee unless at least six members are present from the beginning to the end of such meeting;

(*e*) every meeting of the standing committee shall be presided over by the chairman, if the chairman is present at the time appointed for holding the meeting, and, if the chairman is absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion;

(*f*) every question shall be decided by a majority of votes of the members of the standing committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*g*) subject to any by-laws in this behalf made under clause (*t*) of section 461, the standing committee may from time to time, by a specific resolution in this behalf, delegate any of their powers or duties to sub-committees consisting of such members of the said committee not less in number than three on each sub-committee, as they think fit; and any sub-committee so formed shall conform to any instructions that may from time to time be given to them by the standing committee and the said committee may at any time discontinue or alter the constitution of any sub-committee so formed;

(*h*) a sub-committee may elect a chairman of their meetings, and if no such chairman is elected or if he is not present at the time appointed for holding any meeting, the members of the sub-committee, present shall choose one of their number to be chairman of such meeting;

(*j*) sub-committees may meet and adjourn as they think proper, but the chairman of the standing committee may, whenever he thinks fit, and shall, upon the written request of not less than two members of a sub-committee, call a special meeting of such sub-committee;

(*k*) questions at any meeting of a sub-committee shall be decided by a majority of votes of the members present and, in case of an equality of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the sub-committee are present form the beginning to the end thereof;

(*l*) a minute shall be kept by the municipal secretary of the names of the members present and of the proceedings at each meeting of the standing committee and at each sub-committee's meetings in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting;

(*m*) a member of the standing committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of section 16 or in which he is professionally interested on behalf of a client, principal or other person;

(*n*) the Commissioner shall have the same right of being present at a meeting of the standing committee and of taking part in the discussions thereat as a member of the said committee, but he shall not be at liberty to vote upon, or make, any proposition at such meeting.

[1][(*C*) *The Improvements Committee.*]

Improvements Committee to be constituted for the purpose of carrying out the improvement of the city.

[2][**49A.** The corporation shall appoint a committee to be called the Improvements Committee for the purpose of the improvement of the city, in accordance with the provisions of this Act, and subject to such conditions and limitations as are in this Act contained.]

Constitution of the Improvements Committee.

[2][**49B.** The Improvements Committee shall consist of sixteen councillors, [3]* * * * * * *]

Members of Improvements Committee when to be appointed.

[4][**49C.** The corporation shall, at their first meeting in the month of April after each general election, appoint sixteen persons out of their own body to be members of the Improvements Committee.]

Appointment of chairman of Improvements Committee.

[2]**49D.** (*1*) The Improvements Committee shall at their first meeting appoint one of their number to be their Chairman until the first meeting of the said Committee in the next following official year, and thereafter, the said Committee shall at their first meeting in each official year appoint a member of their body to be their Chairman until the first meeting of the said Committee in the next following official year.

(*2*) A member of the Improvements Committee who ceases to be the Chairman shall be re-eligible.

(*3*) If any casual vacancy occurs in the office of Chairman, the Improvements Committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number to fill such vacancy and every Chairman so chosen shall continue in office so long only, as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.]

Members of Improvements Committee to retire by rotation

[5][**49E.** (*a*) One half of the members of the Improvements Committee shall retire at noon on the first day of April every year.

(*b*) The members who shall retire one year after the Improvements Committee is constituted under section 49C shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman may determine.

(*c*) During the succeeding years, the members who shall retire under this section shall be the members who were longest in office :

Provided that in the case of a member who has been re-elected the term of his office for the purposes of this clause shall be computed from the date of his re-election.]

---

[1] This heading was substituted for the heading "(B1) Improvements Committee" by Bom. 48 of 1950, s. 23.

[2] New sections 49A, 49B, 49C, 49D, 49E, 49F, 49G, 49H, 49I, and 49J, were inserted by Bom. 13 of 1933, s. 6.

[3] Words deleted by Bom. 13 of 1938, s. 21, are omitted.

[4] This section was substituted for the original, *ibid.*, s. 22.

[5] This section was substituted for the original, *ibid.*, s 23.

Appointment of members of Improvements Committee to replace those who retire.

[1][**49F.** (*1*) The corporation shall at their ordinary meeting in the month of March appoint fresh members of the Improvements Committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid, [2]* * * *

(*2*) Any councillor who ceases to be a member of the Improvements Committee shall be re-eligible.

Casual vacancies in the Improvements Committee how to be filled up.

[1][**49G.** In the event of non-acceptance of office by a councillor appointed to be a member of the Improvements Committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office [3][or of his office becoming vacant under clause (*j*) of section 49I], the vacancy shall be filled up, as soon as conveniently may be, by the appointment [4]* * * * of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.]

Improvements Committee to continue in office till a new committee is appointed.

[1][**49H.** The Improvements Committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new Improvements Committee is appointed under section 49C, notwithstanding that the members of the said committee or some of them may no longer be councillors.]

Provisions to regulate the proceedings of the Improvements Committee.

[1][**49I.** The Improvements Committee shall meet for the despatch of business in the Chief Municipal Office and the said committee may, from time to time, make such regulations with respect to such meetings as they think fit, subject to the following conditions :—

(*a*) there shall be a meeting of the Improvements Committee once a month, and at such other times as shall be found necessary ;

(*b*) the first meeting of the Improvements Committee shall be held on a day and at a time to be fixed by the Mayor, and if not held on that day shall be held on some subsequent day to be fixed by the Mayor ; and every subsequent meeting of the Improvements Committee shall be held on such day and at such time as the said committee may, from time to time, determine ;

(*c*) the chairman of the Improvements Committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or by not less than four members of the Committee, call a special meeting of the said committee within forty-eight hours for the transaction of any business.

(*d*) no business shall be transacted at a meeting of the Improvements Committee unless at least eight members are present from the beginning to the end of such meeting ;

(*e*) every meeting of the Improvements Committee shall be presided over by the Chairman, if the Chairman is present at the time appointed for holding the meeting, and, if the Chairman is absent, by such one of the members present as may be chosen by the meeting to be Chairman for the occasion ;

---

[1] New sections 49A, 49B, 49C, 49D, 49E, 49F, 49G, 49H, 49I and 49J were inserted by Bom. 13 of 1933, s. 6.

[2] The words deleted by Bom. 13 of 1938, s. 24, are omitted.

[3] This was inserted by Bom. 5 of 1938, s. 10.

[4] The words "by the corporation or by Government, as the case may be," were deleted by Bom. 13 of 1938, s. 25.

(*f*) every question shall be decided by a majority of votes of the members of the Improvements Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes ;

(*g*) a minute shall be kept by the municipal secretary of the names of the members present and of the proceedings at each meeting of the Improvements Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting ;

(*h*) a member of the Improvements Committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of section 16, or in which he is professionally interested on behalf of a client, principal or other person ;

(*i*) the Commissioner or the Deputy Municipal Commissioner (Improvements), or, in the absence of the latter, a Deputy Municipal Commissioner when authorised by the Commissioner in this behalf, shall have the same right of being present at a meeting of the Improvements Committee and of taking part in the discussions thereat as a member of the said committee, but he shall not be at liberty to vote upon, or make, any proposition at such meeting ;

(*j*) any member of the Improvements Committee who absents himself during three successive months from the meetings of the Committee, except on account of temporary illness or other cause to be approved by the Committee [1][or absents himself from or is unable to attend the meetings of the committee during eight successive months from any cause whatever, whether approved by the committee or not] shall cease to be a member and his office shall thereupon be vacant.]

Existing committee to continue pending formation of new Improvements Committee.

[2][49J. The Improvements Committee in existence when the City of Bombay Municipal (Amendment) Act, 1933, comes into operation shall, so far as is not inconsistent with the provisions of the City of Bombay Municipal (Amendment) Act, 1933, continue to exercise all the powers and to perform all the duties vested in or imposed on the Improvements Committee under the City of Bombay Improvement Trust Transfer Act, 1925, until the Improvements Committee to be formed in accordance with the provisions of the City of Bombay Municipal (Amendment) Act, 1933, shall have been so formed.]

Bom. XIII of 1933.
Bom. XIII of 1933.
Bom. XVI of 1925.
Bom. XIII of 1933.

[3][(*D*) *The Bombay Electric Supply and Transport Committee.*]

Constitution of Bombay Electric Supply and Transport Committee.

50. (*1*) The corporation shall appoint a committee to be called the Bombay Electric Supply and Transport Committee for the purpose of conducting the Bombay Electric Supply and Transport Undertaking in accordance with the provisions of this Act and subject to the conditions and limitations as are in this Act contained.

(*2*) The committee shall consist of nine members.

(*3*) The Chairman of the standing committee shall be an ex-officio member of the committee and the other members shall be appointed by the corporation from among persons who, in the opinion of the corporation, have had experience of, and have shown capacity in, administration, transport, or electric supply, or in engineering, industrial, commercial, financial or labour matters and who may or may not be councillors.

---

[1] These words were inserted by Bom. 5 of 1938, s. 11.

[2] New sections 49A, 49B, 49C, 49D, 49E, 49F, 49G, 49H, 49I and 49J were inserted by Bom. 13 of 1933, s. 6.

[3] This heading was substituted for the heading "(B2) the Bombay Electric Supply and Transport Committee" by Bom. 48 of 1950, s. 24.

(*4*) A person shall be disqualified for being appointed as, and for being, a member of the committee if, under the provisions of section 16, he is disqualified for being elected as, and for being, a councillor.

Term of office of members of Bombay Electric Supply and Transport Committee.

50A. (*1*) The persons appointed as members of the Bombay Electric Supply and Transport Committee under the provisions of section 3 of the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, shall be deemed to have been appointed as such members under section 50 and shall continue in office accordingly.

Bom. XXX-III of 1947.

(*2*) One half of the members of the committee appointed by the corporation shall retire on the first day of April 1950 and thereafter, one half of the members shall retire on the first day of April in every second year.

(*3*) The members who shall retire on the first day of April 1950 shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman of the committee may determine. Thereafter the members who shall retire shall be the members who were longest in office:

Provided that in the case of a member who has been re-appointed, the term of his office for the purpose of this sub-section shall be computed from the date of his re-appointment.

(*4*) Vacancies caused by the retirement of members under sub-section (*2*) shall be filled by the appointment by the corporation of duly qualified persons thereto at their ordinary meeting in the month of March immediately preceding the occurrence of the vacancies:

Provided that in any year in which general elections of councillors are held, such vacancies shall be filled by the corporation at their first meeting in the month of April after such elections and the members who would under sub-section (*2*) have retired on the first day of April shall continue to be in office until new members have been appointed under this sub-section.

(*5*) A retiring member shall be eligible for re-appointment.

Disqualification of members of Bombay Electric Supply and Transport Committee.

50B. (*1*) Any person who, having been appointed a member of the Bombay Electric Supply and Transport Committee,—

(*a*) becomes disqualified for being a member of the committee under the provisions of sub-section (*4*) of section 50, or

(*b*) absents himself during six successive meetings of the committee except from temporary illness or other cause to be approved by the committee, or

(*c*) absents himself from or is unable to attend the meetings of the committee during six successive months from any cause whatsoever,

shall cease to be a member of the committee and his office shall thereupon become vacant.

(*2*) If any question or dispute arises whether a vacancy has occurred under sub-section (*1*), the Commissioner shall, at the request of the corporation, apply to the Chief Judge of the Small Cause Court, and the said Chief Judge, after making such inquiry as he deems necessary, shall determine whether a vacancy has occurred, and his decision shall be final.

Casual vacancies how to be filled up.

50C. In the event of non-acceptance of office by any person appointed to be a member of the Bombay Electric Supply and Transport Committee or of the death, resignation or disqualification of a member of the committee, or of his becoming incapable of acting, or of his office becoming vacant under the provisions of section 50B, the vacancy shall be filled up, as soon as conveniently may be, by the appointment by the corporation of a duly qualified person thereto, and such person shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

Chairman of Bombay Electric Supply and Transport Committee.

50D. (*1*) The Bombay Electric Supply and Transport Committee shall, after their appointment, at their first meeting in each official year appoint one of their members to be the Chairman until the first meeting of the committee in the next official year:

Provided that the Chairman of the Bombay Electric Supply and Transport Committee appointed under section 8 of the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, shall continue to act as the Chairman until a new Chairman is appointed under the provisions of sub-section (*2*).

Bom. XXXIII of 1947.

(*2*) The committee shall thereafter at their first meeting in each official year appoint one of their members as Chairman until the first meeting of the committee in the next following year.

(*3*) The retiring Chairman shall be eligible for re-appointment as Chairman.

(*4*) Notwithstanding the provisions of sub-sections (*1*) and (*2*) the Chairman shall vacate office as soon as he ceases to be a member of the committee.

(*5*) In the event of the office of Chairman falling vacant previous to the expiry of his term the committee shall, as soon as conveniently may be after the occurrence of the vacancy, appoint one of their number to fill such vacancy and the Chairman so appointed shall hold office so long only as the person in whose place he is appointed would have held it if such vacancy had not occurred.

Meetings of Bombay Electric Supply and Transport Committee.

50E. (*1*) The Bombay Electric Supply and Transport Committee shall meet for the despatch of business at such place as the committee may from time to time decide and until a decision has been taken to meet elsewhere, shall meet in the chief municipal office.

(*2*) The committee may, from time to time, make such regulations with regard to the meetings of the committee and sub-committees as the committee think fit, subject to the following conditions:—

(*a*) there shall be a meeting of the committee once a fortnight and at such other times as shall be found necessary;

(*b*) the first meeting of the committee shall be held on a day and at a time to be fixed by the Mayor and, if not held on that day, shall be held on some subsequent day to be fixed by the Mayor; and every subsequent meeting of the committee shall be held on such day and at such time as the committee may from time to time determine:

(*c*) the Chairman of the committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or the General Manager, or by not less than three members of the committee, within forty-eight hours of the receipt by him of the requisition, call a special meeting of the committee for the transaction of any business;

(*d*) no business shall be transacted at a meeting of the committee unless at least four members are present from the beginning to the end of such meeting;

(*e*) every meeting of the committee shall be presided over by the Chairman, if the Chairman is present at the time for holding the meeting, and, if the Chairman is absent, by such one of the members as may be chosen by the meeting to be Chairman for the occasion;

(*f*) every question shall be decided by a majority of votes of the members of the committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*g*) the committee shall cause to be kept a minute of the names of the members present and of the proceedings at each meeting of the committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the committee at such meeting;

(*h*) a member of the committee shall not vote upon, or take part in, the discussion before the committee or before any sub-committee of any matter in which he has directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of sub-section (*2*) of section 16, or in which he is professionally interested on behalf of a client, principal or other person.

(*3*) The Commissioner and in his absence the Deputy Commissioner authorised by the Commissioner in this behalf and the General Manager and in his absence any officer authorised by the General Manager in this behalf shall have the same right of being present at a meeting of the committee and of taking part in the discussion thereat as a member of the committee, but shall not be at liberty to vote upon or make any proposition at such meeting.

Fees for attendance at meetings of Bombay Electric Supply and Transport Committee.

50F. The Chairman and members of the Bombay Electric Supply and Transport Committee shall be paid such fees for attending meetings of the committee as may be prescribed by rules framed by the corporation under this section with the sanction of the [1][State] Government.

Sub-committees of the Bombay Electric Supply and Transport Committee.

50G. (*1*) The Bombay Electric Supply and Transport Committee may from time to time appoint out of their own body sub-committees consisting of such number of persons as the committee may think fit.

(*2*) The committee may by specific resolution carried by the vote of at least two-thirds of their number present at the meeting delegate any of their powers and duties to a sub-committee and may also by a like resolution define the sphere of business of such sub-committee.

(*3*) The committee may refer to a sub-committee appointed under sub-section (*1*) for inquiry and report or for opinion any matter with which the committee is competent to deal.

(*4*) Special committees and sub-committees, if any, appointed or deemed to be appointed under section 4 or section 5, as the case may be, of the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, shall be deemed to have been appointed as sub-committees under sub-section (*1*) and shall continue to act accordingly.]

Bom. XXXIII of 1947.

---

[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[1][(*E*) *The Education Committee.*

Constitution of Education Committee.

50H. (*1*) The Corporation shall appoint a Committee to be called the Education Committee for the purpose of giving effect to the provisions as to primary education in this Act or in other law for the time being in force.

(*2*) The Education Committee shall consist of sixteen members, of whom twelve shall be councillors and four shall be persons who are not councillors.

(*3*) The non-councillors to be so appointed shall be persons—

(*a*) whose names are enrolled on the municipal election roll as voters,

(*b*) who are graduates of Universities recognised by the Corporation in this behalf,

(*c*) who have five years' teaching or administrative experience in educational institutions, and

(*d*) who possess such other qualifications as the Corporation may determine in this behalf.

Members of Education Committee when to be appointed.

50I. (*1*) The Corporation shall as soon as may be after the commencement of the Bombay Municipal Corporation and City of Bombay Primary Education (Amendment) Act, 1950, hereinafter in this section called the said Act, and thereafter at their first meeting in the month of April, after every general election, appoint sixteen duly qualified persons to be members of the Education Committee.

Bom. XLVIII of 1950.

(*2*) Until the members of the Education Committee have been appointed under sub-section (*1*), the members of the schools committee in office immediately before the commencement of the said Act shall constitute the Education Committee.

Disqualifications of members of Education Committee.

50J. (*1*) A person shall not be eligible for appointment as a member of the Education Committee,—

(*a*) if he is directly or indirectly interested in any immovable property on or in which any municipal school or office is located or in any institution or school which receives donation or grant-in-aid from the Corporation; or

(*b*) if, not being a councillor he would have been disqualified for being elected a councillor under section 16.

Explanation.—A person shall be deemed to be interested within the meaning of clause (*a*) of this sub-section, if he derives or has been promised directly or indirectly, any pecuniary gain from or in respect of such property, institution or school, whether by way of a price or rent or premium or other thing of value, whether of the like nature or not.

(*2*) If any person having been appointed a member of the Education Committee—

(*a*) becomes subject to any of the disqualifications mentioned in sub-section (*1*);

(*b*) absents himself during six successive meetings of the Committee, except from temporary illness or other cause to be approved by the Committee; or

(*c*) absents himself from or is unable to attend the meetings of the Committee during eight successive months from any cause whatsoever,

he shall cease to be a member of the Committee and his office shall thereupon become vacant.

Appointment of Chairman of Education Committee.

50K. (*1*) The Education Committee shall, at their first meeting in each official year, appoint one of their own member, being a councillor, to be their Chairman until the first meeting of the Committee in the next official year.

---

[1] This heading and sections 50H to 50S were inserted by Bom. 48 of 1950, s. 25.

(*2*) The retiring Chairman shall be eligible for re-election.

(*3*) If any casual vacancy occurs in the office of the Chairman, the Education Committee shall, as soon as they conveniently can after the occurrence of such vacancy, appoint one of their member being a councillor to fill such vacancy and every Chairman so appointed shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

Members of Education Committee to retire by rotation.

50L. (*1*) One half of the councillor members and one-half of the other members of the Education Committee shall retire at noon on the first day of April every year.

(*2*) The members who shall retire on the first day of April next after the Education Committee is constituted under section 50I shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman shall determine.

(*3*) During succeeding years the members who shall retire under sub-section (*1*) shall be the members who have been longest in office :

Provided that in the case of a member who has been reappointed, the term of office for the purposes of this sub-section shall be computed from the date of his reappointment.

Appointment of members of Education Committee to replace those who retire.

50M. (*1*) The Corporation shall, subject to the provisions of section 50I, at their ordinary meeting in the month of March appoint fresh members of the Education Committee to fill the offices of those who retire from time to time as aforesaid.

(*2*) Any retiring member of the Education Committee shall be eligible for re-election.

Casual vacancies in Education Committee how to be filled up.

50N. (*1*) In the event of non-acceptance of office by a person appointed to be a member of the Education Committee or of the death, resignation or disqualification of a member of the Committee or of his becoming incapable of acting previous to the expiry of his term of office or of his seat becoming vacant under sub-section (*2*) of section 50J, the vacancy shall be filled up as soon as it conveniently may be by the appointment by the Corporation of a person thereto, who shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

(*2*) If any question or dispute arises whether a vacancy has occurred under this section it shall be referred to the Corporation whose decision shall be final.

Each Education committee to continue in office till new Committee is appointed.

50O. The Education Committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new Education Committee is appointed under section 50-I notwithstanding that the members of the said Committee or some of them may no longer be councillors.

Education Committee to act notwithstanding default etc. in appointment of member.

50P. The members duly appointed may perform all the functions legally pertaining to the Education Committee, notwithstanding any default, delay or defect in the appointment of any member.

Meetings of Education Committee.

50Q. The Education Committee shall meet for the despatch of business in the chief Municipal Office and may from time to time make regulations with respect to their meetings and to the management of schools under their control subject to the following conditions :—

(*a*) there shall be a meeting of the Education Committee once a month and at such other time as shall be found necessary ;

(*b*) the first meeting of each Education Committee shall be held on a day and at a time to be fixed by the Mayor and, if not held on that day, shall be held on some subsequent day to be fixed by the Mayor, and every subsequent meeting of the Education Committee shall be held on such day and at such time as the said Committee may from time to time determine ;

(*c*) the Chairman of the Education Committee may, whenever he thinks fit, and shall upon the written request of not less than four members, call a special meeting ;

(*d*) no business shall be transacted at a meeting of the Education Committee unless at least eight members are present ;

(*e*) every meeting of the Education Committee shall be presided over by the Chairman, if the Chairman is present at the time appointed for holding the meeting, and, if the Chairman is absent, by such one of the councillor members present as may be chosen by the meeting to be Chairman for the occasion ;

(*f*) every question shall be decided by a majority of votes of the members of the Education Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes ;

(*g*) a minute shall be kept by the Municipal Secretary of the names of the members present and of the proceedings at each meeting of the Education Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of the next ensuing meeting after confirmation by the Committee at such meeting ;

(*h*) a member of the Education Committee shall not vote or take part in the discussion before the said Committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of sub-section (*2*) of section 16, or in which he is professionally interested on behalf of a client, principal or other person.

Right of Municipal Commissioner and Education officer to be present.

50R. The Commissioner and the Education Officer and, in the absence of the Commissioner, any other officer authorised by the Commissioner in this behalf shall have the same right of being present at a meeting of the Education Committee and of taking part in the discussions thereat as a member of the said Committee, but none of them shall vote upon, or move any proposition at such meeting.

Appointment of sub-committees by Education Committee.

50S. The Education Committee may from time to time appoint out of their own body sub-committees, consisting of such number of persons as the Education Committee may think fit, and may refer to such sub-committees for inquiry and report or for opinion any matter with which the Education Committee is empowered by or under this Act to deal.]

Provisions regarding validity of proceedings.

Vacancy in corporation etc., not to invalidate their proceedings.

51. No act or proceeding of the corporation or of the standing committee or of any committee or sub-committee appointed under this Act be questioned on account of any vacancy in their body.

Proceedings of corporation, etc. not vitiated by disqualification, etc. of members thereof.

52. No disqualification of, or defect in, the election or appointment [1]* * of any person acting as a councillor or as the [2][Mayor] or presiding authority of the corporation or as the chairman or as a member of the standing committee or of any committee or sub-committee appointed under this Act shall be deemed to vitiate any act or proceeding of the corporation or standing committee or of any such committee or sub-committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Proceedings of meetings to be deemed to be good and valid until the contrary si proved.

53. Until the contrary is proved, every meeting of the corporation or standing committee or of a committee or sub-committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified ; and where the proceedings are proceedings of a committee or sub-committee, such committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

[3][(*F*) *The Municipal Commissioner*.]

Appointment of the Commissioner.

54 (*1*) The Municipal Commissioner for [4][Greater Bombay] shall be from time to time appointed by the [5][[6][State] Government] for a renewable period of three years.

(*2*) But he shall be forthwith removed by [7][the [6][State] Government] from office, if at a meeting of the corporation not less than [8][five-eights of the whole number of councillors] shall vote in favour of a proposition in this behalf ; and he may be removed by the [5][[6][State] Government] at any time, if it shall appear to the [5][[6][State] Government] that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient :

[9][Provided that when the Commissioner holds a lien on the service of [7][the [6][State] Government], he shall not during the period of his appointment as Commissioner, be removed from office without the approval of the corporation.]

Deputy Municipal Commissioner.

Appointment of a Deputy Municipal Commissioner.

55. (*1*) Subject to confirmation by the [5][[6][State] Government], the corporation may at any time, and from time to time, appoint a person to be a Deputy Municipal Commissioner, if it shall appear to it expedient so to do.

[10][(*1A*) With the previous approval of the State Government, the corporation may at any time, and from time to time, create one or more posts of additional Deputy Municipal Commissioners which it considers necessary and may, subject to confirmation by the State Government, appoint a fit person or persons to hold such post or posts.]

---

[1] The words " or co-option " which were added by Bom. 6 of 1922, s. 21-A, and which were deleted by Bom. 17 of 1931, s. 7, are omitted.

[2] The word " Mayor " was substituted for the original word by Bom. 21 of 1931, s. 2 (*i*).

[3] This heading was substituted for the heading " (C) The Municipal Commissioner " by Bom. 48 of 1950, s. 26.

[4] These words were substituted for the words " the City of Bombay " by Bom. 7 of 1950, s. 6 (*1*).

[5] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

[6] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[7] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[8] These words were substituted for the words " sixty-four councillors " by Bom. 7 of 1950, s. 9.

[9] This proviso was added by Bom. 1 of 1925, s. 14.

[10] Sub-section (*1A*) was inserted by Bom. 7 of 1950, s. 10.

(*2*) Every person so appointed shall be subject to the same liabilities, restrictions and conditions to which the Commissioner is subject.

Functions of a Deputy Commissioner.

56. (*1*) A Deputy Commissioner [1][or an additional Deputy Commissioner] so appointed shall be subordinate to the Commissioner and, subject to his orders, shall exercise such of the powers and perform such of the duties of the Commissioner as the Commissioner shall from time to time depute to him :

(*2*) Provided that—

(*a*) [2]* * * * * *

(*b*) The Commissioner shall inform the corporation of the powers and duties which he form time to time deputes to a Deputy Commissioner.

[3][(*2A*) Provided further that when an additional Deputy Commissioner or more than one additional Deputy Commissioner have been appointed, the Commissioner shall prescribe the respective spheres of duties of each of such additional Deputy Commissioners, and in so doing may allot to the Deputy Commissioner or the additional Deputy Commissioner designated by him responsibility, subject to the control of the Commissioner, for the municipal government of the suburbs in so far as such responsibility is consistent with the powers and duties deputed to him under sub-section (*1*).]

(*3*) All acts and things performed and done by a Deputy Commissioner [4][and an additional Deputy Commissioner], during his tenure of the said office and in virtue thereof, shall for all purposes be deemed to have been performed and done by the Commissioner.

Appointment of Deputy Municipal Commissioner (Improvements.)

[5][**56A.** (*1*) Subject to the previous approval of [6][the [7][State] Government] the corporation shall, as soon as conveniently may. be after the commencement of the City of Bombay Municipal (Amendment) Act, 1933, appoint a DeputyMunicipal Commissioner to be styled the Deputy Municipal Commissioner (Improvements). Such appointment shall be in addition to any appointment of a Deputy Municipal Commissioner made under sub-section (*1*) of section 55.

(*2*) Every person so appointed shall be subject to all the liabilities, restrictions and conditions to which the Commissioner is subject under this Act.

(*3*) A person appointed Deputy Municipal Commissioner (Improvements) shall be appointed in the first instance for a period of five years, which may be renewed thereafter from time to time for a like or lesser period.

[8][Provided that if such person is a municipal officer and due to retire under regulations made and applicable to him under section 81 on a date earlier than the expiry of the period of five years from the date of appointment or reappointment, he may be appointed or reappointed for a period of five years or a lesser period.]

(*4*) The person appointed to be the Chief Officer, under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925, and holding that office at the commencement of the City of Bombay Municipal (Amendment) Act, 1933, shall be the Deputy Municipal Commissioner (Improvements) under this Act until the corporation shall have appointed a Deputy Municipal Commissioner (Improvements) under the provisions of sub-section (*1*) and until such Deputy Municipal Commissioner shall have entered on the discharge of the duties of his office.]

---

[1] These words were inserted by Bom. 7 of 1950, s. 11 (*a*).

[2] Clause (*a*) was deleted by Bom. 1 of 1897.

[3] Sub-section (*2A*) was inserted by Bom. 7 of 1950, s. 11 (*b*).

[4] These words were inserted, *ibid*, s. 11 (*c*).

[5] These sections were inserted by Bom. 13 of 1933, s. 7.

[6] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[7] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[8] This proviso was added by Bom. 76 of 1948, s. 3.

[1][**56B.** (*1*) The Deputy Municipal Commissioner (Improvements) shall be subordinate to the Commissioner and, subject to his orders, shall exercise such of the powers and perform such of the duties of the Commissioner in connection with the improvement of the city and such other duties of a Deputy Municipal Commissioner as the Commissioner may from time to time direct :

Functions o the Deputy Municipal Commissioner (Improvements).

Provided that the Commissioner shall inform the corporation of the powers and duties which he form time to time deputes to the Deputy Municipal Commissioner (Improvements).

(*2*) All acts and things performed and done by the Deputy Municipal Commissioner (Improvements), during his tenure of the said office and in virtue thereof, shall for all purposes be deemed to have been performed and done by the Commissioner.]

Remuneration of Commissioner and Deputy Commissioner.

57. (*1*) The Commissioner shall receive [2][such monthly salary not exceeding three thousand rupees and not less than two thousand rupees as the [3][State] Government may determine], in return wherefor he shall, except as hereinafter provided, devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force :

Salary of the Commissioner.

(*2*) Provided that he may at any time—

(*a*) hold the office of a trustee of the port of Bombay ;

(*b*) with the sanction of the corporation, serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

Duties whic may be undertaken by the Com missioner ou side of this Act.

[4]* * * * * * *

58. A Deputy Municipal Commissioner shall receive such monthly salary not exceeding [5][rupees seventeen hundred and fifty] and not less than rupees twelve hundred as the corporation shall, from time to time, determine.

Remuneration of a Deputy Municipal Commissioner.

[6]**58A.** The Deputy Municipal Commissioner (Improvements) shall receive such monthly salary not exceeding [5][rupees seventeen hundred and fifty] and not less than rupees twelve hundred as the corporation shall, from time to time, determine :

Remuneration of the Deputy Municipal Commissioner (Improvements).

Bom. XVI of 1925.

Provided that the person holding office of the Chief Officer under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925, at the commencement of the City of Bombay Municipal (Amendment) Act, 1933, shall, so long as he continues to be the Deputy Municipal Commissioner (Improvements) under the provisions of sub-section (*4*) of section 56A, receive a monthly salary of rupees two thousand and five hundred :

Provided further that if the said person be appointed Deputy Municipal Commissioner (Improvements) under sub-section (*1*) of section 56A, he shall receive from the commencement of the City of Bombay Municipal (Amendment) Act, 1933, such monthly salary not exceeding rupees two thousand as the corporation shall, from time to time, determine.

---

[1] These sections were inserted by Bom. 13 of 1933, s. 7.
[2] These words were substituted for the original words by Bom. 13 of 1938, s. 26 (*1*).
[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[4] Sub-section (3) was deleted, *ibid*, s. 26 (*2*).
[5] These words were substituted for the words "rupees fifteen hundred" by Bom. 48 of 1950, s. 27.
[6] New section 58A was inserted by Bom. 13 of 1933, s. 8.

Provisions for absence of Commissioner or Deputy Commissioner on leave.

rant of ave of bsence to ıe Commis- oner or eputy ommis- oner.

59. (*1*) Leave of absence may be granted, from time to time—

(*a*) to the Commissioner, by the [1][[2][State] Government], with the assent of the standing committee ;

(*b*) to a Deputy Commissioner, by the corporation.

llowance 'hilst ısent ı leave.

(*2*) The allowance to be paid to the Commissioner or to a Deputy Commissioner whilst so absent on leave shall be of such amount, not exceeding respectively the amount of the salary of the Commissioner or Deputy Commissioner, as shall be fixed by the [1][[2][State] Government] or the corporation, respectively : Provided that if the Commissioner or Deputy Commissioner is a [3][Government officer], the amount of such allowance shall be regulated by the rules at the time in force relating to the leave allowances of officers of his class.

ppoint- ınt and nunera- ı of act- ; Commis- ner or ting puty mmis- ner.

(*3*) During any absence of the Commissioner or of a Deputy Commissioner the [1][[2][State] Government] or the corporation may appoint a person to act as Commissioner or as Deputy Commissioner, as the case may be. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or by any other enactment at the time in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable, and shall receive such monthly salary, within the limits prescribed in sections 57, [4][58 and 58A] for a Commissioner and a Deputy Commissioner, as [5][the [2][State] Government] or the corporation, respectively, shall determine.

Disqualifications of the Commissioner and Deputy Commissioner.

mmis- ner and puty mmis- ner not be inte- ted in any ıtract, etc., h the poration.

60. (*1*) No person shall be qualified to be appointed or to be Commissioner or a Deputy Commissioner who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of the orporation or in any employment with, by or on behalf of the corporation other than as Commissioner or Deputy Commissioner, as the case may be.

(*2*) Any Commissioner or Deputy Commissioner who shall acquire directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid shall cease to be Commissioner, or a Deputy Commissioner, as the case may be, and his office shall become vacant.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the corporation as, under clauses (*h*) and (*k*) of section 16, it is permissible for a councillor to have without his being thereby disqualified for being a councillor.

---

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] The words "Government Officer" were substituted for the words "Servant of the Crown" by the Adaptation of Laws Order, 1950.

[4] The word, figures and letters "58 and 58A" were inserted by Bom. 13 of 1933, s. 9.

[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[1][(*G*) *The General Manager*.]

Appointme of General Manager.

[2]**60A.** (*1*) The corporation shall, subject to the approval of the [3][State] Government, appoint a fit person to be the General Manager of the Bombay Electric Supply and Transport Undertaking who shall—

(*a*) devote his whole time and attention to the duties of his office :

Provided that the General Manager may be permitted by the corporation to accept any appointment, whether honorary or otherwise, which in the opinion of the corporation would not interfere with his duties as General Manager ;

(*b*) receive such monthly salary as the corporation shall from time to time, with the approval of the [3][State] Government determine ;

(*c*) be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of his office on the votes of not less than one-half of the total number of councillors.

(*2*) The General Manager shall be appointed for a period not exceeding five years in the first instance and his appointment may be renewed from time to time with the approval of the [3][State] Government for a period not exceeding five years at a time.

Bom. XXXIII of 1947.

Bom. Ordinance II of 1947.

Bom. XXXIII of 1947.

(*3*) The General Manager appointed by the corporation with the approval of the [3][State] Government under section 11 of the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, shall be deemed to have been appointed under sub-section (*1*) and the period of his appointment shall be deemed to have commenced from the date on which he took up the duties of his office under the City of Bombay Municipal (Electric Supply and Transport) Ordinance, 1947, or the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, as the case may be.

Leave of absence to General Manager.

60B. (*1*) Leave of absence may be granted from time to time to the General Manager by the Bombay Electric Supply and Transport Committee with the assent of the corporation.

(*2*) The allowance to be paid to the General Manager whilst so absent on leave shall be of such amount, not exceeding the amount of his salary, as shall be fixed by the corporation.

(*3*) During the absence of the General Manager on leave the committee with the assent of the corporation may appoint a person to act as General Manager. Every person so appointed shall exercise the powers and perform the duties conferred and imposed on the General Manager and shall be subject to the same liabilities, restrictions and conditions to which the General Manager is liable and shall receive such monthly salary, not exceeding the salary of the General Manager, as the corporation shall determine.

Disqualifications of General Manager.

60C. (*1*) No person shall be qualified to be appointed or to be General Manager who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, the corporation or in any employment with, by or on behalf of the corporation other than as General Manager.

(*2*) Any General Manager who shall acquire, directly or indirectly, by himself or by his partner, any share or interest in any such contract or employment as aforesaid shall cease to be General Manager.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of, the corporation as under clauses (*h*) and (*k*) of sub-section (*2*) of section 16, it is permissible for a councillor to have without his being thereby disqualified for being a councillor, or to any share or other interest in the Bombay Electric Supply and Tramways Company, Limited.]

---

[1] This heading was substituted for the original heading "(D) The General Manager" by Bom. 48 of 1950, s. 29.

[2] Sections 60A to 60C were inserted by Bom. 48 of 1948, s. 7.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

CHAPTER III.

DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES.

Obligatory and Discretionary Duties of the Corporation.

Matters to be provided for by the corporation.

61. It shall be incumbent on the corporation to make adequate provision, by any means or measures which it is lawfully competent to them to use or to take, for each of the following matters, namely :—

(*a*) the construction, maintenance and cleansing of drains and drainage works, and of public latrines, urinals and similar conveniences ;

(*b*) the construction and maintenance of works and means for providing a supply of water for public and private purposes ;

(*c*) scavenging and the removal and disposal of excrementitious and other filthy matters, and of all ashes, refuse and rubbish ;

(*d*) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances ;

(*e*) the regulation of places for the disposal of the dead and the provision of new places for the said purpose ;

(*f*) the registration of births and deaths ;

[1][(*ff*) public vaccination in accordance with the provisions of the Bombay Vaccination Act, 1877] ;

(*g*) measures for preventing and checking the spread of dangerous diseases :

[1][(*gg*) establishing and maintaining public hospitals and dispensaries and carrying out other measures necessary for public medical relief] ;

(*h*) the construction and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses ;

(*j*) the regulation of offensive and dangerous trades ;

(*k*) the entertainment of a fire-brigade and the protection of life and property in the case of fire ;

(*l*) the securing or removal of dangerous buildings and places ;

(*m*) the construction, maintenance, alteration and improvement of public streets, bridges, culverts, causeways and the like ;

(*n*) the lighting, watering and cleansing of public streets ;

(*o*) the removal of obstructions and projections in or upon streets, bridges and other public places ;

(*p*) the naming of streets and the numbering of premises ;

(*q*) maintaining, aiding and suitably accommodating schools for primary education [2][subject always to the grant of building grants by [3][the [4][State] Government] in accordance with the Government Grant-in-aid Code for the time being in force] ;

(*r*) the maintenance of a municipal office and of all public monuments and other property vesting in the corporation ;

[5](*s*) the obligations imposed by the City of Bombay Municipal (Amendment) Act, 1933, upon the corporation arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 ; Bom. XVI of 1925.

[5](*t*) the improvement of [6][Greater Bombay].

---

[1] Clauses (*ff*) and (*gg*) were inserted by Bom. 3 of 1907, s. 9 (*1*).

[2] These words were added, *ibid*, s. 9 (*2*).

[3] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[5] New clauses (*s*) and (*t*) were inserted by Bom. 13 of 1933, s. 10.

[6] These words were substituted for the words " the City " by Bom. 7 of 1950, s. 6 (*1*).

Corporation to provide a monthly sum to [3][State] Government for maintaining certain medical Institutions in Bombay.

[1][**62.** (*1*) The corporation, shall also provide and pay to [2][the [3][State] Government] on the first day of every month a sum of thirty-four thousand five hundred and forty-one rupees ten annas and eight pies, and in consideration of such monthly payments [2][the [3][State] Government] shall continue to control and maintain the institutions specified in Schedule U.

(*2*) Notwithstanding anything contained in clause (*gg*) of section 61, the corporation shall by such monthly payments be deemed to have made adequate provision for the maintenance of the said institutions and shall not be liable for any further expenditure in connection therewith.]

Fees to be charged by the corporation in public hospitals and dispensaries.

[1][[4][**62A.** In public hospitals and dispensaries established and maintained, and in connection with other measures carried out, under clause (*gg*) of section 61 such fees, if any, may be charged as may be prescribed by the corporation.]

Extent of benefit to corporation by change in policy of [3][State] Government in regard to their liability in respect of primary education.

[5][**62B.** If there should be at any time a change in the general policy of [2][the [3][State] Government] in regard to their liability in respect of primary education, the corporation shall be entitled to benefit by such change in policy to the same extent as a city municipality.]

Directions by State Government regarding subjects etc. in schools.

[6][**62BB.** The State Government shall have power to give to the corporation all such directions as it considers necessary in respect of subjects, curricula, text books and standards of teaching in primary schools vesting wholly or partly in the corporation and in schools wholly or partly maintained by grants payable from municipal fund and the corporation shall comply with such directions.]

Primary schools and schools maintained by grants to be open to officers appointed by [3][State] Government for inspection.

[1][[4][**62C.** (*1*) All primary schools vesting wholly or partly in the corporation and all schools wholly or partly mintained by grants payable from the municipal fund shall at all times be open to all officers appointed by [2][the [3][State] Government] for the inspection of schools, and all reasonable facilities shall be given to any such officer for visiting any such school for the purpose of inspection or examination.

(*2*) Every recommendation made regarding any such school by any such officer shall be duly considered by the [7][corporation] and the [7][corporation] may thereupon take such action as may in their opinion be required and shall, if so requested by the Director of Public Instruction for the Presidency of Bombay in any particular case, inform him of their decision and the action, if any, taken.

(*3*) In all matters connected with grants for the aid of primary schools other than municipal schools the [7][corporation] snall administer aid to schools complying with the necessary conditions in accordance with the provisions of the Government Grant-in-aid Code, subject to such modifications, if any, as may from time to time be made in the said Code by the corporation with the previous sanction of [1][the [2][State] Government].]

---

[1] Sections 62 to 62D were substituted for s. 62 by Bom. 3 of 1907, s. 10.

[2] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[4] Sections 62A and 62C came into force on the 1st March 1909, *see B. G. G.*, 1909, Pt. I, p. 229.

[5] This section was substituted for the original section 62B by Bom. 15 of 1920, s. 20.

[6] Section 62BB was inserted by Bom. 48 of 1950, s. 30.

[7] This word was substituted for the words " schools committee ", *ibid*, s. 31.

Corporation to provide annual sum for the Prince of Wales Museum of Western India.

[3][**62D.** The Corporation shall provide and pay to the Trustees of the Prince of Wales Museum of Western India at the commencement of each official year a sum of fifty thousand rupees, for the purposes of the said Museum.]

Corporation to provide for maintenance of lunatics.

[4]**62E.** [5][*(1)*] The corporation shall make payments at such rates per head as [1][the [2][State] Government] from time to time by general or special order prescribe, for the maintenance and treatment either in the city or at any asylum, hospital or house, whether within or without the city, which [1][the [2][State] Government] declares by notification to be suitable for such purpose, of pauper lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force, resident within, or under any enactment for the time being in force removed from, the city : V of 1898.

Provided that the corporation shall not be liable under this section for the maintenance and treatment of any lunatic in any such asylum, hospital or house as aforesaid, unless such lunatic, previous to his admission thereto, has been resident in the city for at least one year :

[6][Provided also that where an application is made to the High Court under the provisions of section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of maintenance of the lunatic by the corporation shall be made without an opportunity being given to the corporation to show that the lunatic is not pauper and has an estate applicable to his maintenance or that there is a person legally bound, and having the means, to maintain him] : IV of 1912.

Provided further that the rates prescribed by [1][the [2][State] Government] under this section shall not exceed half the total cost of maintenance and treatment incurred per head on account of the lunatics for whose maintenance and treatment the corporation shall be liable under this section.

[7][*(2)* The officer-in-charge of an asylum, hospital or house to which lunatics for whose maintenance and treatment the corporation are liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of such persons detained in the asylum, hospital or house and shall furnish a copy thereof to the corporation.]

Matters which may be provided for by the corporation at their discretion.

63. The corporation may, in their discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely :—

[8]* * * *

[9]*(b)* the furtherance of educational objects other than those mentioned in clause *(q)* of section 61 ;

---

[1] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[3] This section was substituted for the original by Bom. 48 of 1950, s. 32.

[4] The new section 62E was inserted by Bom. 1 of 1905, s. 16.

[5] This section was renumbered as sub-section *(1)* of that section by Bom. 76 of 1948, s. 4 *(1)*.

[6] This proviso was inserted, *ibid*

[7] This sub-section was inserted, *ibid*, s. 4 *(2)*.

[8] Clause *(a)* of this section was repealed by Bom. 3 of 1907, s. 11.

[9] Clauses *(b)* to *(e)* were substituted for the original clauses by Bom. 12 of 1947, s. 2 *(i)*.

(*c*) the establishment, aiding or maintaining libaries, museums, art-galleries, botanical or zoological collections ;

(*d*) the laying out or the maintenance of public parks, gardens or recreation grounds ;

(*e*) the planting and care of trees on roadsides and elsewhere ;

(*f*) surveys of buildings or lands ;

(*g*) registration of marriages ;

[1][(*h*) the taking of a census of the population] ;

(*j*) preparation and presentation of addresses to persons of distinction ;

[2][(*jj*) providing music in public places or places of public resort ;

(*jja*) the construction, purchase, organisation, maintenance, extension and management of tramways, trackless trams, or mechanically propelled transport facilities for the conveyance of the public ;

(*jjb*) the purchase, maintenance, management and conduct of any undertaking for the supply of electric energy or gas to the public of the subsidising of any such undertaking ;

(*jjc*) the acquisition of immoveable or moveable property for any of the purposes before mentioned, including payment of the cost of investigations, surveys or examinations in relation thereto, or the construction or adaptation of buildings necessary for such purposes] ;

(*k*) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

And, with the previous sanction of [3][the [4][State] Government], the corporation may make—

(*l*) such contribution as they think fit towards any public ceremony or entertainment in [5][Greater Bombay].

Respective Functions of the several Municipal Authorities.

Functions of the several municipal authorities.

64. (*1*) The respective functions of the several municipal authorities and of any committee appointed under sections 39, 40, [6]41, [7]49A or 50 shall be such as are specifically prescribed in or under this Act.

Municipal government of the city vests in the corporation.

(*2*) Except as in this Act otherwise expressly provided, the municipal government of [5][Greater Bombay] vests in the corporation.

Special function of the Commissioner.

(*3*) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the corporation or the standing committee [8][or the Improvements Committee] [9][or the Education Committee] and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the Commissioner, who shall also—

(*a*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act ;

---

[1] Clause (*h*) was substituted for the original clause by Bom. 12 of 1947, s. 2 (*ii*).

[2] Clauses (*jj*), (*jja*), (*jjb*) and (*jjc*) were substituted for clause (*jj*), *ibid*, s. 2 (*iii*).

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] These words were substituted for the words "the City" by Bom. 7 of 1950, s. 6 (*1*).

[6] The word, figures and letter "41 or 49A" were substituted for the word and figures "or 41" by Bom. 13 of 1933, s. 11 (*a*).

[7] The figures, letter and word "49A or 50" were substituted for "or 49A" by Bom. 48 of 1948, s. 8.

[8] These words were inserted by Bom. 13 of 1933, s. 11 (*b*).

[9] These words were inserted by Bom. 48 of 1950, s. 33.

(*b*) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, other than the municipal secretary and the municipal officers and servants immediately subordinate to him, and subject to the regulations at the time being in force under section 81 dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances ;

(*c*) on the occurrence or the threatened occurrence of any sudden accident or unforeseen event, involving or likely to involve extensive damage to any property of the corporation, or danger to human life, take such immediate action as the emergency shall appear to him to justify or to require, reporting forthwith to the standing committee and to the corporation, when he has done so, the action he has taken and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a current budget grant, within the meaning of that expression as defined in section 130 ;

[1][(*d*) perform the duties and exercise the powers imposed or conferred upon the General Manager by this Act in his absence or on failure by him to perform or exercise the same.]

[2][(*4*) Subject whenever expressly so directed in this Act to the approval of the corporation or the Bombay Electric Supply and Transport Committee and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of Chapter XVIA of this Act vests in the General Manager who shall also—

(*a*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act and perform such other duties in connection with the Bombay Electric Supply and Transport Undertaking as may be required of him by the Bombay Electric Supply and Transport Committee ;

(*b*) prescribe the duties of, and exercise supervision and control over the acts and proceedings of, all municipal officers and servants appointed under Chapter XVIA and, subject to the regulations for the time being in force under section 460V, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances ;

(*c*) on the occurrence or threatened occurrence of any sudden accident or unforeseen event involving or likely to involve extensive damage to any property of the corporation pertaining to the Bombay Electric Supply and Transport Undertaking or danger to human life arising from or in connection with any part of that undertaking, take such immediate action as the emergency shall appear to him to justify or require, reporting forthwith to the Bombay Electric Supply and Transport Committee, when he has done so, the action he has taken and his reason for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a budget-grant within the meaning of that expression as defined in section 130.]

Corporation may call for extracts from proceedings etc., from the standing committee, etc.

65. The corporation may at any time call for any extract from any proceedings of the standing committee or of any committee or sub-committee constituted under this Act, and for any return, statement, account or report concerning or connected with any matter with which the standing committee or any such committee or sub-committee is empowered by or under this Act to deal ; and every such requisition shall be complied with by the standing committee or other committee or sub-committee, as the case may be, without unreasonable delay.

---

[1] This clause was added by Bom. 48 of 1948, s. 8.

[2] This sub-section was added, *ibid.*

Corporations may require the Commissioner to produce documents and furnish returns reports, etc.

66. (*1*) The corporation may at any time require the Commissioner—

(*a*) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or field in his office or in the office of any municipal officer or servant subordinate to him ;

(*b*) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of [1][Greater Bombay] [2][except in regard to the Bombay Electric Supply and Transport Undertaking.]

(*c*) to furnish a report by himself or to obtain from any head of a department subordinate to him and furnish, with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of [1][Greater Bombay] [2][except in regard to the Bombay Electric Supply and Transport undertaking.]

(*2*) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner without unreasonable delay ; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition.

(*3*) Provided that if, on such a requisition as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the corporation after he shall have declared as aforesaid. If at such meeting or any meeting subsequent thereto, the corporation shall repeat the requisition, and it shall then still appear to the Commissioner inexpedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the corporation to elect one councillor who with the [3][Mayor] and the chairman of the standing committee (or, if the [3][Mayor] is also chairman of the standing committee, with the [3][Mayor] and one member of their own body elected by the standing committee) shall form a committee who shall engage to keep secret, save as thereinafter provided, the existance and purport of such documents and matter as may be disclosed to them ; and to the said committee the Commissioner shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or available to him, and embraced within the requisition ; and the said committee having taken cognizance of the information, writings and matters so laid before them shall determine, by a majority in case of difference, whether or not the whole or any part, and which part, if any, of such matters ought to be dislcosed to the corporation or kept secret for a defined time, which decision shall be conclusive and shall be reported to the corporation at the next ordinary meeting thereof, where also the Commissioner shall be prepared to produce documents and to make any report or statement requisite to give effect to the decision of the committee when called on to do so by the corporation.

[4][(*4*) The heads of departments subordinate to the Commissioner are the City Engineer, the Hydraulic Engineer, the Executive Health Officer, the Assessor and Collector, the Chief Accountant and the Education Officer.]

---

[1] These words were substituted for the words "the City" by Bom. 7 of 1950, s. 6 (*1*).
[2] These words were added by Bom. 48 of 1948, s. 9.
[3] The word "Mayor" was substituted for the original words by Bom. 21 of 1931, s. 2 (*1*).
[4] This sub-section was substituted for the original by Bom. 48 of 1950, s. 34.

[1][(*5*) In their application to matters relating to the Bombay Electric Supply and Transport Undertaking, the provisions of sub-sections (*1*), (*2*) and (*3*) shall have effect as if for the word "Commissioner" the words "General Manager" and for the words "standing committee" the words "Bombay Electric Supply and Transport Committee" had been substituted.]

Right to ask questions.

[2][**66A.** (*1*) Subject to any regulations made in this behalf under section 36, a councillor may question the Commissioner who shall answer any question concerning or connected with the administration of this Act or the municipal government of [3][Greater Bombay]:

Provided that—

(*a*) not less than seven clear days' notice in writing specifying the questions has been given to the Municipal Sectetary;

(*b*) no question shall be asked;

(*i*) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition; or

(*ii*) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings, in any court of law or before any tribunal in any part of [4][the territory of India]; or

(*iii*) which relates to the character or conduct of any Municipal officer or servant except in his official or public capacity; or

(*iv*) which is or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or section of any community; or

(*v*) which contravenes any regulation made by the corporation in this behalf under section 36.

(*2*) The [5][Mayor] shall disallow any question whcih is, in his opinion, in contravention of the provisions of sub-section (*1*).

(*3*) If any doubt arises whether any question is or is not within the restrictions imposed by sub-section (*1*), the [5][Mayor] shall decide the point and his decision shall be final.

(*4*) The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the corporation or if it asks for information which has been communicated to him in confidence.]

[6][(*5*) The General Manager shall without unreasonable delay furnish the Commissioner with such information relating to the Bombay Electric Supply and Transport Undertaking as he may require for the purpose of answering any question under this section.]

---

[1] This sub-section was added by Bom. 48 of 1948, s. 9.

[2] New section 66A was inserted by Bom. 23 of 1930, s. 3.

[3] These words were substituted for the words "the City" by Bom. 7 of 1950, s. 6 (*1*).

[4] These words were substituted for the words "His Majesty's possession" by the Adaptation of Laws Order, 1950.

[5] The word "Mayor" was substituted for the original words by Bom. 21 of 1931, s. 2 (*1*).

[6] This sub-section was added by Bom. 48 of 1948, s. 10.

Exercise of powers to be subject to sanction by corporation of the necessary expenditure

67. The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act, which will involve expenditure, shall, except in any case specified in sub-section (*2*) of section 115 [1][or of section 460DD] be subject to the following provisos, namely—

(*a*) that such expenditure, so far as it is to be incurred in the official year in which such power is exercised or duty performed, shall be provided for under a current budget grant, within the meaning of that expression as defined in section 130; and

(*b*) that, if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said official year, liability for such expenditure shall not be incurred without the sanction of the corporation.

Municipal officers may be empowered to exercise certain of the powers, etc., of the Commissioner.

68. (*1*) Any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner by any of the sections, sub-sections or clauses mentioned in sub-section (*2*) may be exercised, performed or discharged, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the Commissioner generally or specially empowers in writing in this behalf; and in each of the said sections, sub-sections and clauses the word "Commissioner" shall, to the extent to which any municipal officer is so empowered, be deemed to include such officer.

[2](*2*) The sections, sub-sections and clauses of this Act referred to in sub-section (*1*) are the following, namely :—

[3][Section 19.]
[4][,, 80A.]
,, 83.
,, 84.
,, 85, sub-section (*1*).
[5][,, 92.]
,, 112.
,, 113, sub-section (*3*).
,, 142, sub-section (*2*).
,, 149.
,, 152, sub-section (*1*)
,, 153, sub-section (*1*)
,, 155, sub-sections (*1*) and (*3*).
,, 160.
,, 162.
,, 163, sub-section (*1*).
,, 164.

---

[1] The words, figures and letter " or of section 460DD " were inserted by Bom. 48 of 1948, s. 11.
[2] Sub-section (*2*) was substituted for the original sub-section by Bom. 5 of 1905, s. 6.
[3] This entry was inserted by Bom. 13 of 1938, s. 27.
[4] The entry "section 80A" was substituted for the original entry " section 82 " by Bom. 10 of 1928 s. 7 (*i*).
[5] New entry "section 92" was inserted, *ibid*, s. 7 (*ii*).

Section 165, sub-sections (*1*) and (*2*).
,, 174.
,, 175.
,, 176.
,, 177.
,, 187.
,, 188.
,, 189.
[1][,, 191, sub-sections (*1*) and (*2*).]
[2][,, 191A, sub-sections (*3*) and (*5*).
,, 191B, sub-sections (*1*), (*3*), (*4*) and (*5*).]
[3][,, 191I.
,, 191J, sub-sections (*1*) and (*2*).]
[1][,, 198, sub-section (*3*).]
,, 200.
,, 201, sub-section (*2*).
,, 202, sub-section (*1*).
[4][,, 206, sub-sections (*1*) and (*2*).]
[1][,, 208A.]
,, 209, sub-section (*1*).
,, 210, sub-section (*1*).

---

[1] This entry was inserted by Bom. 20 of 1952, s. 2.
[2] These entries were inserted by Bom. 2 of 1943, s. 2, read with Bom. 8 of 1948, s. 2.
[3] These entries were inserted by Bom. 30 of 1951, s. 2.
[4] This entry was inserted by Bom. 64 of 1953, s. 2 (*1*).

Section [1]* * *
„ 222, sub-sections (*1*) and (*2*).
„ 228.
„ 229.
„ 232-A.
„ 234.
„ 240.
„ 243, sub-section (*2*).
„ 244.
„ 246-A.
„ 247.
„ 248.
„ 249.
„ 249A.
„ 250, sub-section (*2*).
„ 251.
„ 251B.
„ 252.
„ 253.
„ 254.
„ 255.
„ 257.
„ 258, clauses (*a*), (*b*) and (*c*).
„ 259.
„ 259A.
„ 263, sub-section (*1*).
„ 265.
„ 266.
[2][„ 270A.]
„ 272.
„ 273.
„ 273A.
„ 276.
„ 278.
„ 279, sub-section (*1*).
„ 287.
„ 298, sub-sections (*1*) and (*2*).
„ 300, sub-section (*1*).
„ 311.
[3][„ 313.
„ 313A.]
„ 314.
„ 317.
„ 319.
„ 321, sub-section (*2*).
„ 322.
„ 324.
„ 325.

---

[1] The entry "section 214, sub-sections (*2*) and (*3*)" deleted by Bom. 7 of 1921, s. 2 (*b*) is omitted. The repeal had effect from 1st April 1920.

[2] This entry was inserted by Bom. 64 of 1953, s. 2 (*2*).

[3] The entries "Section 313, section 313A" were inserted by Bom. 19 of 1930, s. 5 (*a*).

Section 326, sub-sections (*2*) and (*3*).
[1][,, 328.
,, 328-A.]
,, 329.
,, 333, sub-section (*4*).
,, 334, sub-section (*1*).
,, 337, sub-section (*1*).
,, 338.
,, 339.
,, 340.
,, 342.
,, 343.
,, 344-A.
,, 345.
,, 346, sub-section (*1*).
,, 347, clause (*a*).
[2]] ,, 347B.
,, 347C.]
,, 348, clauses (*a*), (*b*) and (*c*).
,, 349.
,, 349-A.
,, 350.
,, 353.
,, 353-A.
,, 354.
,, 354-A.
,, 355.
,, 368.
,, 374.
,, 375.
[3][,, 375-A.]
[4][,, 376.]
,, 377.
[5][,, 377-A.]
,, 379.
,, 379-A.
,, 380.
[6][,, 381.]
[6][,, 381-A, sub-sections (*1*) and (*2*).]
,, 383.
,, 384, clause (*a*).
[3][,, 384-A.]
[7][,, 390.]
,, 394.
,, 396, sub-section (*1*).

---

[1] The entries "Section 328, section 328-A" were inserted by Bom. 7 of 1921, s. 2 (*b*).
[2] These entries were inserted by Bom. 76 of 1948, s. 5.
[3] This entry was inserted by Bom. 1 of 1916, s. 3.
[4] This entry was inserted by Bom. 19 of 1930, s. 5 (*b*).
[5] This entry was inserted, *ibid*, s. 5 (*c*).
[6] This entry was inserted by Bom. 6 of 1913, s. 1.
[7] This entry was inserted by Bom. 19 of 1930, s. 5 (*d*).

Section 403, clause (*e*).
[1][,, 407-A.]
,, 409.
,, 410, sub-section (*1*).
,, 412, sub-sections (*1*) and (*2*).
[2][,, 412-A.]
,, 413, sub-section (*1*).
,, 415.
,, 416.
,, 422.
,, 424, sub-section (*1*).
,, 425, sub-section (*1*).
[3][,, 426-A.]
,, 427, sub-section (*3*).
,, 455.
,, 479, sub-section (*5*).
,, 488.
,, 489.
,, 492, clause (*a*).
,, 517, clause (*a*).

[4][(*3*) Any of the powers, duties or functions in regard to primary education conferred or imposed upon or vested in the Commissioner under any provision of this Act may be exercised, performed or discharged under the Commissioner's control and subject to such conditions and limitations if any, as he shall think fit to prescribe, by the Education Officer or any other Municipal Officer whom the Commissioner generally or specifically empowers in writing in this behalf and in this Act, the word "Commissioner" shall to the extent to which the Education Officer, or any other municipal officer, is so empowered be deemed to include such officer.]

Powers, etc., conferred on the Commissioner by the Bombay Vaccination Act, may be exercised by any municipal officer empowered in writing by the Commissioner.

Bom. I of 1877.

[5][**68A.** Any of the powers, duties and functions conferred or imposed upon or vested in the Commissioner by the Bombay Vaccination Act, 1877, may be exercised, performed or discharged, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the Commissioner generally or specially empowers in writing in this behalf; and in the said Act the word "Commissioner" shall, to the extent to which any municipal officer is so empowered, be deemed to include such officer.]

Delegation of powers, etc., of General Manager.

[6][**68B.** (*1*) Any of the powers, duties or functions conferred or imposed upon or vested in the General Manager by any of the sections, sub-sections or clauses mentioned in sub-section (*2*) and with the previous sanction of the Bombay Electric Supply and Transport Committee any other powers, duties or functions conferred or imposed upon or vested in the General Manager by any other section, sub-section or clause of this Act may be exercised, performed or discharged under the General

---

[1] This entry was inserted by Bom. 19 of 1930, s. 5 (*b*).
[2] This entry was inserted by Bom. 6 of 1922, s. 23.
[3] This entry was inserted by Bom. 76 of 1948, s. 5.
[4] Sub-section (*3*) was added by Bom. 48 of 1950, s. 35.
[5] Section 68-A was inserted by Bom. 3 of 1907, s. 12.
[6] This section was inserted by Bom. 48 of 1948, s. 12.

Manager's control and subject to his revision and to such conditions and limitations if any, as he shall think fit to prescribe, by any municipal officer whom the General Manager generally or specially empowers in writing in this behalf; and in each of the said sections, sub-sections and clauses the words ' General Manager ' shall, to the extent to which any municipal officer is so empowered, be deemed to include such officer.

(*2*) The sections, sub-sections and clauses of this Act referred to in sub-section (*1*) are the following, namely :—

Section 460A, sub-section (*2*), clauses (*c*), (*d*), (*e*) and (*f*).
Section 460B.
Section 460C.
Section 460D.
Section 460G.
Section 460Q.
Section 460U.
Section 460W.
Section 460X.
Section 460Y.
Section 460AA.
Section 460BB, sub-section (*3*).
Section 488.
Section 492.
Section 517, sub-section (*1*), clause (*a*), read with sub-section (*3*).]

Contracts.

Power to the Commissioner to execute contracts on behalf of the corporation.

69. With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely :—

(*a*) every such contract shall be made on behalf of the corporation by the Commissioner ;

(*b*) no such contract, for any purpose which in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given ;

(*c*) no contract, other than [1][a contract relating to the acquisition of immovable property or any interest therein,. or any right thereto], which will involve an expenditure exceeding five thousand rupees, shall be made by the Commissioner unless the same is previously approved by the standing committee [2][or in case the expenditure is to be incurred for the purposes of clause (*g*) of section 61 by the Education Committee] ;

(*d*) every contract [3][other than a contract for the acquisition of immovable property, or any interest therein or any right thereto] made by the Commissioner involving an expenditure exceeding five hundred and not exceeding five thousand rupees shall be reported by him within fifteen days after the same has been made, to the standing committee [4][or to the Education Committee, as the case may be] ;

(*e*) the foregoing provisions of this section [5][shall, as far as may be, apply] to every contract which the Commissioner shall have occasion to make in the execution of this Act; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

---

[1] These words were substituted by Bom. 13 of 1933, s. 12 (*a*), for the original words " an agreement for the acquisition of immovable property."
[2] This portion was inserted by Bom. 48 of 1950, s. 36 (*1*).
[3] These words were inserted by Bom. 13 of 1933, s. 12 (*b*).
[4] This portion was inserted by Bom. 48 of 1950, s. 36 (*2*).
[5] These words were substituted for the original words by Bom. 13 of 1933, s. 12 (*b*), s. 12 (*c*).

Mode of executing contracts.

70. (*1*) Every contract entered into by the Commissioner on behalf of the corporation shall be entered into in such manner and form as would bind the Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged: Provided that—

(*a*) where any such contract, if entered into by the Commissioner, would require to be under seal, the same shall be sealed with the common seal of the corporation; and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the corporation [1][in the manner prescribed in sub-section (*2*)] and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods, and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

[2][(*1A*) Notwithstanding anything contained in proviso (*b*) to sub-section (*1*) it shall be lawful for the Commissioner in the case of contracts relating to the execution of any work or the supply of any materials or goods to dispense, by an order in writing, with the execution of a written instrument, if such work has already been performed or the materials or goods have already been supplied to his satisfaction.]

[3][(*2*) The common seal of the corporation which shall remain in the custody of the Municipal Secretary, shall be affixed in the presence of two members of the standing committee to every contract or other instrument [4][(other than contract relating to the acquisition of immovable property or interest therein or a right there to), require to be under seal] and such contract or instrument shall be signed by the said two members of the standing committee in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.]

[5][Provided that in the case of any contract entered into for the purposes of clause (*q*) of section 61, the seal shall be so affixed in the presence of, and the contract shall be signed by, two members of the Education Committee in lieu of two members of the standing committee.]

Contract not binding on the corporation unless executed as prescribed in section 70.

71. No contract [6][of the nature specified in sub-section (*2*) of the last preceding section] not executed as in the [7][said] section provided shall be binding on the corporation.

---

[1] These words, figures and brackets were inserted by Bom. 10 of 1935, s. 2 (*1*).
[2] Sub-section (*1A*) was inserted by Bom. 12 of 1936, s. 4.
[3] Sub-section (*2*) was substituted for the original sub-section by Bom. 13 of 1933, s. 13.
[4] These words and brackets were substituted for the words "other than a contract relating to the acquisition of immovable property or interest therein, or a right thereto" by Bom. 10 of 1935. s. 2 (*2*).
[5] This proviso was added by Bom. 48 of 1950, s. 37.
[6] These words were inserted by Bom. 13 of 1933, s. 14 (*i*).
[7] The word "said" was substituted for the words "last preceding", *ibid*, s. 14 (*ii*).

Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.

72. (*1*) Except as is hereinafter otherwise provided, the Commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(*2*) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (*c*) of section 69, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous:

(*3*) Provided that the standing committee [1][or in the case of a contract to be entered into for the purposes of clause (*q*) of section 61 the Education Committee] may authorize the Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

73. The Commissioner shall require sufficient security for the due performance of every contract into which he enteres under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

Saving of contracts under Chapter XVIA.

[2][**73(1A).** Nothing in sections 69 to 73, both inclusive, shall apply to contracts made under Chapter XVIA of this Act.]

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

[3][*Special Engineer, City Engineer, Hydraulic Engineer, Executive Health Officer, Education Officer, Municipal Secretary, Municipal Chief Auditor and other Officers.*]

Appointment of Special Engineer.

[4][**73A.** (*1*) The corporation may as soon as conveniently may be after the coming into operation of the City of Bombay Municipal (Amendment) Act, 1947, Bom. IV of 1947. appoint a Special Engineer to execute powers and perform duties in connection with all schemes for post-war reconstruction and general development of the City including schemes for water supply and slum clearance. A person appointed as Special Engineer shall hold the post for [5][such period not exceeding seven years as the Corporation may determine]. The Special Engineer shall also exercise and perform such powers, duties and functions under this Act as the Commissioner may from time to time direct.

(*2*) The Special Engineer shall receive such monthly salary and allowances as the corporation shall from time to time determine.

(*3*) The Special Engineer shall devote his whole time and attention to the duties of his office.

(*4*) The provisions of section 80B shall not apply to the appointment of the Special Engineer.

---

[1] This portion was inserted by Bom. 48 of 1950, s. 38.

[2] This section was inserted by Bom. 48 of 1948, s. 13.

[3] This heading was substituted for the heading "Special Engineer, City Engineer, Executive Health Officer and Hydraulic Engineer" by Bom. 48 of 1950, s. 39.

[4] Section 73A was inserted by Bom. 4 of 1947, s. 3.

[5] These words were substituted for the words "a period of five years" by Bom. 20 of 1952, s. 3. This amendment shall be deemed to have been made on and to have effect from the 21st day of March 1952 [*vide* s. 21 (*1*) of Bom. 20 of 1952].

(*5*) The appointment of the Special Engineer shall be subject to confirmation by the [1][State] Government.

(*6*) During the continuance of the appointment of the Special Engineer—

(*i*) the operation of provisions of sections 74 and 75 in so far as they relate to the appointment of the City Engineer shall remain suspended ; and

(*ii*) any reference in this Act (other than this section and sections 74 and 75) to the " City Engineer " shall be deemed to be a reference to the " Special Engineer ".]

Appointment of [2][city engineer,] executive health officer and hydraulic engineer.

74. (*1*) The corporation shall appoint fit persons to be municipal [2][city engineer], [3]* municipal executive health officer, [4][and municipal hydraulic engineer].

(*2*) Each of the said officers shall—

(*a*) be appointed for a renewable term of five years :

[5][Provided that if any of such officers is a municipal officer and due to retire under the regulations made and applicable to him under section 81 on a date earlier than the expiry of the period of five years from the date of his appointment or re-appointment, he may be appointed or re-appointed for a period of five years or a lesser period].

(*b*) devote his whole time and attention to the duties of his office :

[6][(*c*) receive such monthly salary as the corporation shall, subject to the following limitations, from time to time determine, that is to say, the monthly salary of the Municipal City Engineer shall not exceed Rs. 2,000 and shall not be less than Rs. 1,200, the monthly salary of the Municipal Executive Health Officer shall not exceed Rs. [7][1,750] and shall not be less than Rs. 1,200, and the monthly salary of the Municipal Hydraulic Engineer shall not exceed Rs. [7][1,750] and shall not be less that Rs. 1,200 :]

[8]* * * * * *

(*d*) be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office. on the votes of not less that two-thirds of the members present at a meeting of the corporation :

(*3*) Provided that—

(*e*) no person shall be appointed to be executive health officer who is not a legally qualified medical practitioner ;

[9][(*ee*) the executive health officer may accept for such period as may be sanctioned by the corporation any appointment, whether honorary or otherwise,

---

[1] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[2] The words " city engineer " were substituted for the original words " Executive Engineer " by Bom. 19 of 1930, s. 6.

[3] The word " and " was omitted by Bom. 2 of 1911, s. 2 (*a*).

[4] These words were added, *ibid*, s. 2 (*a*).

[5] This proviso was added by Bom. 76 of 1948, s. 6.

[6] This clause was substituted for the original by Bom. 13 of 1938, s. 28, *vide* footnote with asterisk on p. 365 *supra*.

[7] These letters and figures were substituted for the letters and figures " Rs. 1,500 " by Bom. 48 of 9 50, s. 40.

[8] Bom. 6 of 1943 by which the proviso was added to clause (*c*) of sub-section (*2*) of section 74 lapsed. The proviso, therefore, ceased to be in force with effect from 3rd April 1948 and has been deleted.

[9] This clause was inserted by Bom. 6 of 1916, s. 3 (*3*).

which has for its object the promotion of public health, whether by means of education or otherwise, and which in the opinion of the corporation would not interfere with his duties as executive health officer ;]

(*f*) the corporation may, in their discretion, appoint a person probationally, for a limited period only, to [1][any] of the said offices, previous to appointing him for the full term of five years ;

(*g*) every appointment made under this section shall be subject to confirmation by [2][the [3][State] Government].

Time within which vacancy in office of [4][city engineer] or executive health officer or hydraulic engineer must be filled up.

75. (*1*) On the occurrence of a vacancy in the office of [4][city engineer] or of executive health officer [5][or of hydraulic engineer] an appointment shall be made thereto by the corporation within four months from the date on which the vacancy occurred, or in the event of any appointment so made by them not being confirmed by [6][the [3][State] Government] within thirty days from the date of the receipt by the corporation of the order of [6][the [3][State] Government].

(*2*) In default of an appointment being made by the corporation as aforesaid, [2][the [3][State] Government] may appoint a person to fill the vacancy, and such appointment shall for all purposes be deemed to have been made by the corporation.

(*3*) Pending the settlement of an appointment under sub-section (*1*) or (*2*) the corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary not exceeding [7][the maximum permissible under clause (*c*) of sub-section (2) of section 74, in respect of the officer in whose place such person is appointed] as it shall think fit. A person so appointed to be temporary executive health officer need not be a legally qualified medical practitioner.

Executive health officer to be the Executive health officer to be the consulting officer of health under Bombay Act VI of 1867.

76. The executive health officer appointed under this Act shall be the consulting officer of health for the purposes of Bombay Act VI of 1867 (*an Act for the better sanitary regulation of the City of Bombay*).

[8][*Education officer.*

Appointment of Education Officer.

76A. The corporation shall from time to time appoint a fit person to be the Municipal Education Officer, who shall—

(*a*) be subordinate to the Commissioner and subject to his orders shall exercise such of the Commissioner's powers and perform such of the Commissioner's duties in regard to primary education, as the Commissioner may from time to time assign to him ;

---

[1] The word " any " was substituted for the word " either " by Bom. 2 of 1911, s. 2 (c).

[2] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of India Laws Order in Council.

[3] This word was substituted for the word " Provincial " by the Adaptation of Laws Order. 1950.

[4] The words " city engineer " were substituted for the words " executive engineer " by Bom. 19 of 1930, s. 6.

[5] These words were inserted by Bom. 2 of 1911, s. 3.

[6] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[7] These words were substituted for the original words by Bom. 2 of 1900, s. 1.

[8] This heading and section 76A were substituted for the original by Bom. 48 of 1950, s. 41.

(*b*) receive such monthly salary not exceeding thirteen hundred and fifty rupees and not less than nine hundred rupees as the Corporation shall from time to time determine ;

(*c*) be removable at any time from office by the Corporation for misconduct or for neglect of or incapacity for duties of the office.]

[1][*Appointments of medical officers in connection with measures of public medical relief.*]

Corporation to appoint qualified medical practitioners to the charge of hospitals maintained by the corporation.

[1][**76B.** The corporation shall from time to time appoint such legally qualified medical practitioners as may be necessary to the charge of any hospital maintained by the corporation in connection with measures of public medical relief carried out under clause (*gg*) of section 61 and determine their salaries.]

Municipal Secretary.

Appointment of municipal secretary.

77. (*1*) The [2][corporation] shall from time to time appoint a fit person to be municipal secretary.

(*2*) The municipal secretary shall be secretary of the corporation and also of the standing committee [3][and the improvements committee], and shall—

(*a*) perform such duties as he is directed by this Act to perform and such other duties in and with regard to the corporation and the standing committee [3][and the improvements committee] as shall be required by him by those bodies respectively ;

(*b*) have the custody of all papers and documents connected with the proceedings of—

(*i*) the corporation and any committee appointed by the corporation [4][under section 38 or 38A.]

(*ii*) the standing committee and any sub-committee thereof ;

[5][(*iii*) the improvements committee and any sub-committee thereof ;]

[6][(*iv*) the Education Committee and any sub-committee thereof ;]

(*c*) devote his whole time and attention to the duties of his office ;

[7][(*d*) receive such monthly salary not exceeding rupees thirteen hundred and fifty and not less than rupees nine hundred as the Corporation may from time to time determine ;]

(*e*) be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office by the [8]* * * corporation.

---

[1] The heading and section 76B were inserted by Bom. 3 of 1907, s. 13 (*1*).

[2] The word "corporation" was substituted for the original words "standing committee" by Bom. 6 of 1922, s. 24 (*a*).

[3] The words "and the improvements committee" were inserted by Bom. 13 of 1933, s. 15 (*i*).

[4] These words, figures and letter were added by Bom. 48 of 1948, s. 14.

[5] New sub-clause (*iii*) was inserted by Bom. 13 of 1933, s. 15 (*ii*).

[6] Sub-clause (*iv*) was inserted by Bom. 48 of 1950, s. 42 (*1*).

[7] Clause (*d*) was substituted, *ibid*, s. 42 (*2*).

[8] The words repealed by Bom. 6 of 1922, s. 24 (*b*), are omitted.

Appointment of clerks and servants subordinate to the municipal secretary.

78. (*1*) The standing committee may from time to time—

(*a*) appoint such clerks and servants to be immediately subordinate to the municipal secretary as they think fit;

(*b*) determine the nature and amount of the salaries, fees and allowances to be paid to the said servants and clerks respectively;

(*c*) prescribe or delegate to the municipal secretary the power of prescribing the duties of the said clerks and servants.

Control, etc., of the said clerks and servants.

(*2*) The municipal secretary, subject to the orders of the standing committee, shall exercise supervision and control over the acts and proceedings of the said clerks and servants, and the standing committee, subject to the regulations at the time being in force under section 81, shall dispose of all questions relating to the service of the said clerks and servants and their pay, privileges and allowances.

[1][*Municipal Chief Auditor.*]

Appointment of municipal chief auditor.

78A. (*1*) The corporation shall from time to time appoint a fit person to be municipal chief auditor, who shall—

[2][(*a*) perform such duties as he is directed by this Act to perform and such other duties with regard to the audit of the accounts of the municipal fund as shall be required of him by the corporation or by the standing committee and with regard to the audit of the accounts of the Bombay Electric Supply and Transport Fund as shall be required of him by the corporation or by the Bombay Electric Supply and Transport Committee;]

(*b*) devote his whole time and attention to the duties of his office;

(*c*) receive such monthly salary not exceeding [3][rupees two thousand and not less than rupees thirteen hundred and fifty] as the Corporation shall from time to time determine;

(*d*) be removable at any time from office for misconduct or for neglect of, or incapacity for the duties of his office on the votes of not less than two-thirds of the members present at a meeting of the corporation.

(*2*) The municipal chief auditor shall not be eligible for further office under the corporation after he has ceased to hold his office.

Appointment, salaries, fees, allowances and duties of assistant auditors, clerks and servants subordinate to the municipal chief auditor.

78B. (*1*) The standing committee may from time to time—

(*a*) appoint such assistant auditors, clerks and servants to be immediately subordinate to the municipal chief auditor as they think fit;

(*b*) determine the nature and amount of the salaries, fees and allowances to be paid to the said assistant auditors, clerks and servants respectively;

(*c*) prescribe or delegate to the municipal chief auditor the power of prescribing the duties of the said assistant auditors, clerks and servants.

---

[1] The heading and these sections were inserted by Bom. 2 of 1938, s. 3.

[2] This clause was substituted for the original by Bom. 48 of 1948, s. 15.

[3] These words were substituted for the words "rupees seventeen hundred and fifty and not less than rupees twelve hundred" by Bom. 20 of 1952, s. 4. This amendment shall be deemed to have effect from the 1st day of April 1949 [*vide* s. 21 (*2*) of Bom. 20 of 1952].

(2) Subject to the orders of the standing committee, the municipal chief auditor shall exercise supervision and control over the acts and proceedings of the said assistant auditors, clerks and servants, and the standing committee, subject to the regulations at the time being in force under section 81, shall dispose of all questions relating to the service of the said assistant auditors, clerks and servants and their pay, privileges and allowances.]

Control, etc., of the said assistant auditors, clerks and servants.

[1][*Municipal Chief Accountant.*

Appointment of Municipal Chief Accountant.

78C. (*1*) The corporation shall from time to time appoint a fit person to be the Municipal Chief Accountant. He shall—

(*a*) keep the municipal accounts and perform such duties with regard to the municipal accounts as shall be required of him by the corporation or by the standing committee or by the Commissioner ;

(*b*) devote his whole time and attention to the duties of his office ;

(*c*) receive such monthly salary not exceeding rupees seventeen hundred and fifty and not less than rupees twelve hundred as the corporation shall from time to time determine ;

(*d*) be removable at any time from office for misconduct, or for neglect of, or incapacity for the duties of his office, by the corporation.

(*2*) The person who is a permanent holder of the office of the Municipal Chief Accountant on the date immediately preceding the date of the coming into force of the Bombay Municipal Corporation and City of Bombay Primary Education (Amendment) Act, 1950 shall be deemed to have been appointed as the Municipal Chief Accountant under sub-section (*1*).].

Bom. XLVIII of 1950.

Other Officers and Servants.

Schedule of other officers and servants to be prepared by the Commissioner and sanctioned by the standing committee [4][or the Education Committee].

79. (*1*) The Commissioner shall, [2]* * * from time to time, prepare and bring before the standing committee a schedule setting forth the designations and grades of the other officers and servants [3][other than the officers and servants to be appointed for the purposes of clause (*q*) of section 61] ; who should, in his opinion, be maintained, and the amount and nature of the salaries, fees and allowances which, he proposes, should be paid to each.

[4][(*1A*) The Commissioner shall, from time to time, prepare and bring before the Education Committee a schedule setting forth the designations and grades of the officers and servants to be appointed for the purposes of clause (*q*) of section 61, who should in his opinion be maintained, and the amount and nature of the salaries, fees and allowances which, he proposes, should be paid to each.]

(*2*) The standing committee [5][or the Education Committee as the case may be] shall sanction such schedule either as it stands or subject to such modifications as they deem expedient : Provided that no new office of which the aggregate emoluments exceed rupees two hundred per month shall be created without the sanction of the corporation :

---

[1] This heading and section 78C were inserted by Bom. 48 of 1950, s. 44.
[2] Words repealed by Act 16 of 1895 are omitted.
[3] This portion was inserted by Bom. 48 of 1950, s. 45 (*1*).
[4] Sub-section (*1A*) was inserted, *ibid*, s. 45 (*2*).
[5] These words were inserted, *ibid*, s. 45 (*3*).
[6] These words were inserted, *ibid*,, s. 45 (*4*).

[1][Provided further that the Education Committee shall before sanctioning the schedule obtain thereto the previous approval of the State Government and make such modifications therein as the State Government may direct.]

[2](*3*) Nothing in this section shall be construed as affecting the right of the corporation or of the Commissioner to make any temporary appointment which they or he are empowered to make under section 80A.]

Restriction of employment of permanent officers and servants.

80. No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under sections [3][*] [4][60A], [5][73A], 74, [6][76A and 76B], 77, [7][78, 78A [8][78B or 78C] or his office and emoluments are included in the schedule at the time in force prepared and sanctioned under the last preceding section.

[9][Provided that all officers and servants employed for the purposes of clause (*q*) of section 61 immediately prior to the commencement of the Bombay Municipal Corporation and City of Bombay Primary Education (Amendment) Act, 1950, may be entertained until such time as the schedule mentioned in sub-section (*1A*) of section 79 has been sanctioned by the Education Committee.]

Power of appointment in whom to vest.

†[10]**80A.** (*1*) The power of appointing municipal officers, whether temporary or permanent, whose minimum monthly salary exclusive of allowances is or exceeds Rs. 500, shall vest in the corporation :

[11][Provided that temporary appointment s for loan works carrying a monthly salary of rupees five hundred or more exclusive of allowances may be made for a period of not more than six months by the Commissioner with the previous sanction of the standing committee ; [12][or in the case of works undertaken for the purposes of clause (*q*) of section 61, of the Education Committee] ; the Commissioner shall forthwith report every such appointment when made to the corporation. No such appointment shall be renewed on the expiry of the said period of six months without the previous sanction of the corporation].

---

[1] This proviso was added, by Bom. 48 of 1950, s. 45 (3).

[2] This sub-section was added by Bom. 76 of 1948, s. 7

[3] The figures " 39 " were deleted by Bom. 48 of 1950, s. 46 (*1*).

[4] The figures and letter " 60A " were inserted by Bom. 48 of 1948, s. 16.

[5] The figure and letter " 73A " were inserted by Bom. 4 of 1947, s. 5.

[6] These figures, word and letters were inserted by Bom. 3 of 1907, s. 13 (*1*).

[7] These figures, word and letters were substituted for " or 78 " by Bom. 2 of 1938, s. 4.

[8] These word, figures and letters were substituted for the word, figures and letters " or 78B " by Bom. 48 of 1950. s. 46 (*2*).

[9] This proviso was added *ibid*, s. 46 (3).

[10] Section 80A was added by Bom. 6 of 1922, s. 26.

[11] This proviso was substituted for the original one by Bom. 19 of 1940, s. 8.

[12] This portion was inserted by Bom. 48 of 1950. s. 47 (*1*).

† Section 6 of Bom. 4 of 1947, runs as follows :—

6. *Validation of acts of Special Engineer appointed under section 80A.*—All the powers, duties and functions of the City Engineer exercised and performed by the Special Engineer appointed under section 80A of the said Act during the period from 26th September 1946 to the date on which the City of Bombay Municipal Amendment) Act, 1947. (Bom. IV of 1947) comes into operation shall be deemed to be and always be deemed to have been validly exercised and performed ; and no acts done by the said Special Engineer shall after the coming into operation of this Act be deemed to be invalid or called in question on the ground only that the said powers and duties in the purported exercise of which the said acts were done were not at the time when the said acts were done lawfully vested in him, and the said Special Engineer is now hereby indemnified and discharged from liability in respect of such acts.

(*2*) Provided that—

(*a*) no officer whose monthly emoluments exceed rupees three hundred shall be dismissed by the Commissioner, without the [1][previous] approval of the standing committee ;

(*b*) any officer appointed by the corporation [2][under section 55, [3][56A], 74, 75, 76A, 76B, [4][77 or 78A] may be suspended by the standing committee pending an order of the corporation, such suspension and the reason therefor being forthwith reported to the corporation ;

[5][(*c*) any officer appointed by the corporation otherwise than under section 55, [3][56A], 74, 75, 76A, 76B, [4][77 or 78A] may be fined, reduced, or suspended, or with the [1][previous] approval of the standing committee, dismissed, for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct by the Commissioner.

[6][(*d*) any officer or servant immediately subordinate to the municipal chief auditor and drawing a salary not exceeding rupees two hundred and fifty per month exclusive of allowances may, subject to such conditions and limitations, if any, as the standing committee may deem fit to prescribe, and subject to a right of appeal to the standing committee, be fined, reduced or suspended for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct by the municipal chief auditor.]

Leave of absence by whom to be granted.

84. (*1*) Leave of absence may be granted by the Commissioner, subject to the regulations at the time being in force under section 81, to any municipal officer or servant, the power of appointing whom is vested in him; and for a period not exceeding one month, to any other municipal officer, other than an officer immediately subordinate to the municipal secretary [7][or the municipal chief auditor] [8][and other than an officer or servant the power of appointing whom is vested in the schools' committee].

(*2*) Leave of absence may be granted, subject as aforesaid, by the standing committee—

(*a*) to any clerk or servant appointed under section 78 ; [9][or to any assistant auditor, clerk or servant appointed under section 78B :]

[10][Provided that leave of absence for a period not exceeding three months may be granted to a clerk or servant whose salary, exclusive of allowances, does not exceed rupees two hundred per month—

(*i*) by the municipal secretary where such clerk or servant has been appointed under section 78; or

(*ii*) by the municipal chief auditor where such clerk or servant has been appointed under section 78B.]

(*b*) for a period exceeding one month, to any other municipal officer, the power of appointing whom is not vested in the Commissioner [11][or in the schools' committee].

---

[1] The word " previous " was inserted by Bom. 19 of 1930, s. 9.
[2] These words, figures and letters were added by Bom. 6 of 1922, s. 29.
[3] The figures and letter " 56A " were inserted by Bom. 13 of 1933, s. 16.
[4] The figures, word and letter " 77 or 78A " were substituted for " or 77 " by Bom. 2 of 1938, s. 5.
[5] Clause (c) was added by Bom. 6 of 1922, s. 29.
[6] This clause was added by Bom. 76 of 1948, s. 10.
[7] These words were inserted by Bom. 2 of 1938, s. 6 (*1*).
[8] These words were inserted by Bom. 6 of 1916, s. 4 (*a*).
[9] These words, figures and letter were inserted by Bom. 2 of 1938, s. 6 (*2*).
[10] This proviso was added by Bom. 76 of 1948, s. 11.
[11] These words were inserted by Bom. 6 of 1916, s. 4 (*b*).

[1][(*3*) Leave of absence may be granted, subject as aforesaid, by the schools' committee to any municipal officer or servant the power of appointing whom is vested in the said committee:]

[2][Provided that leave as aforesaid for a period not exceeding three months may be granted by the secretary of the said committee.]

Saving in respect of officers and servants appointed under chapter XVIA.

[3][**84A.** Nothing in sections 79, 80, 80A, 80B, 81, 83 and 84 shall apply to officers and servants appointed under the provisions of Chapter XVIA of this Act.]

Acting appointments.

85. (*1*) The appointment of a person to act in the place of an officer absent on leave may be made, when necessary, and subject to the regulations aforesaid, by the same authority who grants the leave of absence.

(*2*) Provided that—

(*a*) when the [4][city engineer] or the executive health officer [5][or the hydraulic engineer] is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the corporation;

(*b*) any appointment of a person to act as [4][city engineer] or as executive health officer [6][or as hydraulic engineer] may be disallowed by the [7][Provincial Government], and from the time of being so disallowed shall be null and void;

(*c*) no person shall be appointed to act for the executive health officer for a period exceeding three months, unless such person is a legally qualified medical practitioner, but a person appointed to act for the said officer for a period not exceeding three months need not be a legally qualified medical practitioner.

(*3*) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions and conditions which the permanent incumbent of the office or place is bound to perform or may exercise or to which the said incumbent is liable.

Temporary appointments.

[8][**85A.** Notwithstanding anything contained in the foregoing provisions, when a vacancy occurs in any of the posts referred to in sub-section (*1*) of section 80B, the corporation may, pending the appointment of a person in accordance with the provisions of sub-section (*2*) of the said section appoint any person to fill such vacancy on a monthly salary not exceeding the maximum salary of the post:

Provided that no appointment under this section shall extend beyond, or be made after a lapse of, six months from the date on which the vacancy occurs].

Disqualifications of Municipal Officers and Servants.

Municipal officer or servant not to be interested in any contract etc., with the corporation.

86. (*1*) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of the corporation, or in any employment with, by, or on behalf of the corporation, other than as a municipal officer or servant, shall be disqualified for being a municipal officer or servant.

---

[1] This sub-section was added, by Bom. 6 of 1916, s. 4 (c).

[2] This proviso was added by Bom. 32 of 1935, s. 5.

[3] This section was inserted by Bom. 48 of 1948, s. 17.

[4] The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6.

[5] These words were inserted by Bom. 2 of 1911, s. 4 (*a*).

[6] These words were inserted, *ibid.*, s. 4 (*b*).

[7] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[8] This section was inserted by Bom. 19 of 1939, s. 3.

(*2*) Save as otherwise provided in this Act, the power of appointing municipal officers and servants [1][whether temporary or permanent, shall] vest in the Commissioner :];

[2][Provided that such power in respect of permanent appointments shall be subject to the schedule for the time being in force prepared and sanctioned under section 79 :

Provided further that no temporary appointment shall be made by the Commissioner for any period exceeding six months and no such appointment carrying a monthly salary of more than two hundred rupees exclusive of allowances shall be renewed by the Commissioner on the expiry of the said period of six months without the previous sanction of the standing committee] [3][or of the Education Committee, as the case may be].

Manner of making appointments.

[4][80B. (*1*) No person shall be appointed to a post—

(*a*) the power of appointment to which vests in the corporation, the Standing Committee or the Municipal Commissioner ; and

(*b*) the minimum monthly salary exclusive of allowances for which is Rs. 300 per mensem or more,

except after consultation with the Commission in accordance with the rules made under this section.

(*2*) Nothing in sub-section (*1*) shall apply to any acting or temporary appointment for a period not exceeding six months [5][or to appointments to such ministerial posts as may, from time to time, be specified by the State Government in consultation with the Commission when such posts are to be filled by promotion.]

[6][(*2A*) The provisions of sub-section (*1*) shall not apply also to appointment of any officer,—

(*a*) who having been appointed by the Secretary of State or Secretary of State in Council to a civil service of the Crown in India continues on and after the 15th August 1947 to serve under the Government of India or of a State ; or

(*b*) who is a member of the Indian Administrative Service or Indian Police Service,

to any such post on foreign service conditions.]

(*3*) The State Government shall after consultation with the Corporation and Commission make rules for prescribing—

(*a*) the procedure to be followed by the Commission in advertising the posts, calling tor applications, scrutinising the same and selecting the candidates for interview ;

(*b*) the procedure to be followed by the Commission for selecting candidates and by the Corporation for consultation with the Commission ;

(*c*) the procedure for enabling the Municipal Officer or Officers to attend the interview to advise the Commission ;

(*d*) the procedure to be followed in case there is a difference of opinion between the Commission and the appointing authority ;

(*e*) the fees and other costs to be paid to the Commission by the Corporation for consultation and other incidental matters ;

(*f*) any other matter which is necessary or incidental for the purpose of consultation with the Commission.

---

[1] These words were substituted for the original by Bom. 76 of 1948, s. 8.

[2] These provisoes were added, *ibid.*

[3] These words were added by Bom. 48 of 1950, s. 47 (2).

[4] This section was substituted, *ibid.*, s. 48.

[5] These words were inserted by Bom. 64 of 1953, s. 3.

[6] This sub-section was inserted by Bom. 62 of 1954, s. 2 (*1*) This amendment shall be deemed to have been made on and to have effect from the 14th day of May 1954 [*see* s. 2 (2) of Bom. 62 of 1954].

(*4*) The Corporation shall also with the previous sanction of the State Government make rules prescribing the qualifications to be possessed by candidates eligible for appointment to posts referred to in sub-section (*1*).

(*5*) The rules made under this section shall be published in the *Official Gazette*.

(*6*) Any rules made prescribing qualifications for appointment to any such post which were in force immediately before the Bombay Municipal Corporation and City of Bombay Primary Education (Amendment) Act, 1950, comes into force, shall continue in force and be deemed to have been made under this section unless and until they are superseded or amended by rules made under this section. Bom. XLVIII of 1950.

(*7*) All fees paid to the Commission under this section shall be credited to the State Government.

(*8*) All communications made by the Commission in regard to any matter relating to the appointment to any post for which it was consulted shall be deemed to be confidential and no discussion shall be permitted thereon in the Corporation, in the Standing Committee, or any Committee of the Corporation or no disclosure relating thereto shall be made in the public.]

Leave of Absence, Acting Appointments, etc.

Standing committee to frame regulations or grant of leave, etc.

81. (*1*) The Standing Committee shall from time to time frame regulations in consonance with any resolution that may be passed by the corporation—

(*a*) fixing the amount and the nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security ;

(*b*) regulating the grant of leave to municipal officers and servants ;

(*c*) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave ;

(*d*) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave ;

[1][(*dd*) authorizing the payment of travelling or conveyance allowance to the said officers and servants ;]

(*e*) regulating the period of service of all the said officers and servants ;

(*f*) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances and under which [2][the surviving spouse or children and in the absence of the surviving spouse or children the parents, brothers and sisters, if any,] dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances and the amounts of such pensions, gratuities or compassionate allowances ;

(*g*) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the standing committee, be established by the said officers and servants [3][or to such provident fund, if any. as may be established by the corporation for the benefit of the said officers and servants] ;

---

[1] This clause was inserted by Bom. 12 of 1936, s. 5 (*1*).

[2] These words were substituted for the original by Bom. 76 of 1948, s. 9.

[3] These words were added by Bom. 6 of 1922, s. 27 (*1*), and the addition shall be deemed to have been made and to have had effect from such date as may be fixed by the corporation.

[1][(*h*) in general, prescribing any other conditions of service of the said officers and servants.]

(*2*) No regulation made by the standing committee under this section shall have force or validity, unless and until it has been confirmed by the corporation, nor, if it is made under clause (*f*), unless and until it has been confirmed [2][the [3][State] Government].

Such regulations to be subject to confirmation by the corporation, and, if made under clause (*f*), by [3]State Government.

82. [4][*Power of appointment in whom to vest.*] *Repealed by Bom. VI of 1922.*

Power of suspending, punishing and dismissing in whom to vest.

83. (*1*) Every municipal officer and servant may be fined, reduced, suspended or dismissed for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed:

(*2*) Provided that—

(*a*) no officer whose monthly emoluments exceed rupees three hundred shall be dismissed by the Commissioner, without the [5][previous] approval of the standing committee [6][or in the case of an officer appointed for the purposes of clause (*q*) of section 61, of the Education Committee];

[7][(*b*) any officer appointed by the corporation under section 55, 56A, 74, 75, 76B, 77, 78A or 78C may be suspended by the standing committee and any officer appointed by the corporation under section 76A may be suspended by the Education Committee, pending in each case an order of the Corporation and every such suspension and the reasons therefor shall be forthwith reported to the corporation];

[8][(*c*) any officer appointed by the corporation otherwise than under section 55, 56A, 74, 75, 76A, 76B, 77, 78A or 78C may, for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct, be fined, reduced or suspended by the Commissioner, or may, with the previous approval of the standing committee or in the case of an officer appointed for the purposes of clause (*q*) of section 61 of the Education Committee, be dismissed by the Commissioner.]

[9][(*d*) any officer or servant immediately subordinate to the municipal chief auditor and drawing a salary not exceeding rupees two hundred and fifty per month exclusive of allowances may, subject to such conditions and limitations,

---

[1] This clause was inserted by Bom. 12 of 1936, s. 5 (*2*).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] Section 82 repealed by Bom. VI of 1922, s. 28, is omitted and the repeal shall be deemed to have been made and to have had effect from such date as may be fixed by the corporation.

[5] The word "previous" was inserted by Bom. 19 of 1930, s. 9.

[6] This portion was inserted by Bom. 48 of 1950, s. 49 (*1*).

[7] This clause was substituted for the original, *ibid* s. 49 (*2*).

[8] This clause was substituted for the original, *ibid* s. 49 (*3*).

[9] This clause was added by Bom. 76 of 1948, s. 10

if any, as the standing committee may deem fit to prescribe, and subject to a right of appeal to the standing committee, be fined, reduced or suspended for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct by the municipal chief auditor.]

Leave of absence by whom to be granted.

84. (*1*) Leave of absence may be granted by the Commissioner, subject to the regulations at the time being in force under section 81, to any municipal officer or servant, the power of appointing whom is vested in him; and for a period not exceeding one month, to any other municipal officer, other than an officer immediately subordinate to the municipal secretary [1][or the municipal chief auditor][2] * * * * *

(*2*) Leave of absence may be granted, subject as aforesaid, by the standing committee—

(*a*) to any clerk or servant appointed under section 78; [3][or to any assistant auditor, clerk or servant appointed under section 78B :]

[4][Provided that leave of absence for a period not exceeding three months may be granted to a clerk or servant whose salary, exclusive of allowances, does not exceed rupees two hundred per month—

(*i*) by the municipal secretary where such clerk or servant has been appointed under section 78; or

(*ii*) by the municipal chief auditor where such clerk or servant has been appointed under section 78B.]

(*b*) for a period exceeding one month, to any other municipal officer, the power of appointing whom is not vested in the Commissioner [5][or who is not employed for the purposes of clause (*q*) of section 61.]

[6][(*3*) Leave of absence may be granted, subject as aforesaid, by the Education Committee for a period exceeding one month to any municipal officer employed for the purposes of clause (*q*) of section 61 the power of appointing whom is not vested in the Commissioner.].

Saving in respect of officers and servants appointed under chapter XVIA.

[7][**84A.** Nothing in sections 79, 80, 80A, 80B, 81, 83 and 84 shall apply to officers and servants appointed under the provisions of Chapter XVIA of this Act].

Acting appointments.

85. (*1*) The appointment of a person to act in the place of an officer absent on leave may be made, when necessary, and subject to the regulations aforesaid, by the same authority who grants the leave of absence.

(*2*) Provided that—

(*a*) when the [8][city engineer] or the executive health officer [9][or the hydraulic engineer] is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the corporation;

---

[1] These words were inserted by Bom. 2 of 1938, s. 6 (*1*).

[2] The words "and other than an officer or servant the power of appointing whom is vested in the schools' committee" were deleted by Bom. 48 of 1950, s. 50.

[3] These words, figures and letter were inserted by Bom. 2 of 1938, s. 6 (*2*).

[4] This proviso was added by Bom. 76 of 1948, s. 11.

[5] This portion was substituted for the words "or in the schools' committee" by Bom. 48 of 1950, s. 50.

[6] Sub-section (*3*) was substituted for the original by Bom. 48 of 1950, s. 50 (*3*).

[7] This section was inserted by Bom. 48 of 1948, s. 17.

[8] The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6.

[9] These words were inserted by Bom. 2 of 1911, s. 4 (*a*).

(*b*) any appointment of a person to act as [1][city engineer] or as executive health officer [1][or as hydraulic engineer] may be disallowed by the [2][[3][State] Government], and from the time of being so disallowed shall be null and void;

(*c*) no person shall be appointed to act for the executive health officer for a period exceeding three months, unless such person is a legally qualified medical practitioner, but a person appointed to act for the said officer for a period not exceeding three months need not be a legally qualified medical practitioner.

(*3*) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions and conditions which the permanent incumbent of the office or place is bound to perform or may exercise or to which said incumbent is liable.

Temporary appointments

[4][**85A.** Notwithstanding anything contained in the foregoing provisions, when a vacancy occurs in any of the posts referred to in sub-section (*1*) of section 80B, the corporation may, pending the appointment of a person in accordance with the provisions [5]* * * * of the said section appoint any person to fill such vacancy on a monthly salary not exceeding the maximum salary of the post:

Provided that no appointment under this section shall extend beyond, or be made after a lapse of, six months from the date on which the vacancy occurs].

Disqualifications of Municipal Officers and Servants.

Municipal officer or servant not to b interested in any contract etc., with the corporation.

86. (*1*) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of the corporation, or any employment with, by, or on behalf of the corporation, other than as a municipal officer or servant, shall be disqualified for being a municipal officer or servant.

---

[1] These words were inserted by Bom. 2 of 1911, *ibid.*, s. 4 (*b*).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] This section was inserted by Bom. 19 of 1939, s. 3.

[5] The words brackets and figure "of sub-section (2)" were deleted by Bom. 48 of 1950, s. 51.

(*2*) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid shall cease to be a municipal officer or servant and his office shall become vacant.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by, or on behalf of the corporation as under clauses (*h*) and (*k*) of section 16, it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Acquisition of Property.

Powers of corporation as to acquisition of property.

87. The corporation shall, for the purpose of this Act, have power to acquire and hold moveable and immovable property, whether within or without the limits of [1][Greater Bombay].

Transfer to the corporation of the property of the municipal corporation.

88. All such immovable and other property as is held by, or in trust for, or has been granted by [2][the [3][Government]] to the corporation under, or in pursuance or for the purposes of any Act hereby repealed, shall, upon and after the date when this Act comes into force, vest in the corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same.

Conditions affecting the vesting of the Vehar water-work in the corporation.

Bom. III of 1872. Bom. IV of 1878.

89. (*1*) On the expiry of the term of ninety-nine years, commencing on the first day of July 1863, for which in accordance with section 64 of the Bombay Municipal Acts of [4]1872 and [4]1878 the Vehar Lake and the property appurtenant thereto, hereinafter referred to as "the Vehar water-works," were vested in the corporation, the [5][[6][State] Government] may direct that the said Vehar water-works shall vest and the same shall in such case vest, in the corporation, on the conditions hereinafter provided and for the purposes of this Act, for such further period not exceeding ninety-nine years as shall seem expedient :

(*2*) Provided that on the expiry of the said first term of ninety-nine years or of any further term for which the [5][[6][State] Government] may have directed that the said Vehar water-works shall vest in the corporation, all rights and every power conveyed to the corporation shall forthwith cease and determine and the said Vehar water-works shall revert to and become vested in [7][the State Government].

Lands and buildings specified in Schedule V to vest in [9][Government].

Bom. III of 1907.

[8]**89A.** On and from the commencement of the City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of the corporation in and to the lands and buildings specified in Schedule V free from all liabilities and charges affecting the same and created by the corporation shall vest in [9][Government] :

Provided that nothing in this section shall affect any of the lands specified in the items in the said Schedule numbered 28 to 139 (both inclusive) on which any moveable wooden chowki is situated at the commencement of the said Act.

---

[1] These words were substituted for the words "the City" by Bom. 7 of 1950, s. 6 (*1*).

[2] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[4] Bom. 3 of 1872 and Bom. 4 of 1878 are repealed by s. 2 of this Act.

[5] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[6] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[7] The words "the State Government" were substituted for the words "His Majesty for the purposes of the Province" by the Adaptation of Laws Order, 1950.

[8] Sections 89A to 89F were inserted by Bom. 3 of 1907, s. 14.

[9] This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.

The statue of Her Majesty Queen Victoria and the site thereof in the Esplanade road to vest in the corporation subject to certain conditions.

[1]89B. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the [estate, right, title and interest of [2][Government] in and to the statue of Her Majesty Queen Victoria and the site thereof in the Esplanade road shall vest in the corporation free from all liabilities and charges affecting the same and [3][created by the [4][Government]] and the said statue and the said site shall thereafter be held by the corporation in trust as a public monument, and it shall not be lawful for the corporation, except with the previous sanction of [5][the [6][State] Government], to remove the said statue from the said site or to apply the said site to any other purpose

Bom. III of 1907.

The Victoria and Albert Museum and the site thereof to vest in the corporation.

[1]89C. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of [2][Government] in and to the Victoria and Albert Museum and the site thereof shall vest in the corporation free from all liabilities and charges affecting the same and [3][created by the [4][Government]] and corporation may apply the said museum and the said site to any public purpose on and from such date as the Prince of Wales Museum of Western India may be declared open by [5][the [6][State] Government].

Bom. III of 1907.

Central Vaccine Depot at Parel to vest in the corporation.

[1]89D. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of [2][Government] in and to the Central Vaccine Depot at Parel shall vest in the corporation free from all liabilities and charges affecting the same and [3][created by the [4][Government]].

Bom. III of 1907.

All buildings used for primary education and the sites thereof to vest in the corporation.

[1]89E. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the buildings used for primary education and the sites thereof within the city theretofore vesting in [2][Government] shall vest in the corporation free from all liabilities and charges affecting the same and [3][created by the [4][Government]].

Bom. III of 1907.

Corporation to repay to [6][State] Government the amount of grant made for purposes of primary education in respect of certain buildings or sites if used for other purposes.

[1]89F. Notwithstanding anything contained in section 89E, if any buildings or sites in respect of which, before or after the commencement of the City of Bombay Police Charges Act, 1907, any grant has been made by the [5][the [6][State] Government] for the purposes of primary education shall without the sanction of [5][the [6][State] Government] be used for any other purpose, the corporation shall thereupon repay to [5][the [6][State] Government] the amount of such grant.

Bom. III of 1907.

Acquisition of immovable property by agreement.

90. (*1*) Whenever it is provided by this Act that the Commissioner may acquire or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immovable property, such property may be acquired by

---

[1] Sections 89A to 89F were inserted by Bom. 3 of 1907, s. 14.

[2] This word was substituted for the words " His Majesty " by the Adaptation of Laws Order, 1950.

[3] The words " created by the Crown " were substituted for the words " created by Government " by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

[5] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[6] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

the Commissioner on behalf of the corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the [1][Improvements Committee], either generally for any class of cases or specially in any particular case.

(*2*) And whenever, under any provision of this Act, the Commissioner is authorised to agree to pay the hole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at such rates or prices or at rates or prices not exceeding such maximum as shall be approved bythe [2][Improvements Committee] as aforesaid.

[3](*2A*) Subject to the provisions of this Act, it shall be lawful for the Commissioner on behalf of the corporation to agree, with the owner of any land or of any interest in land needed by the corporation for the purposes of any scheme under Chapter XII-A or with the owner of any right which may have been created by legislative enactment over any street forming part of the land so needed, for the purchase of such land or of any interest in such land or for compensating the owner of any such right in respect of any deprivation thereof or interference therewith ;

[4](*3*) No contract for the acquisition of any immovable property or of any interest therein or any right thereto or the payment of any compensation under sub-section (*1*) or (*2*) or (*2A*) shall be valid, if the price or compensation to be paid for such property or interest or right exceeds five thousand rupees unless and until such contract has been approved by the Improvements Committee and by the corporation if the price or compensation exceeds ten thousand rupees.

[5](*4*) Every contract or other instrument relating to the acquisition of immovable property or any interest therein or any right thereto shall be executed by the Commissioner, shall have the common seal of the corporation affixed thereto in the presence of two members of the Improvements Committee and shall also have the signatures of the said two members, in the manner prescribed in section 70.

[5](*5*) No contract for the acquisition of immovable property or any interest therein or any right thereto not executed as in sub-section (*4*) provided shall be binding on the corporation.

[5](*6*) The foregoing provisions of this section which apply to an original contract relating to the acquisition of immovable property, or any interest therein, or any right thereto, shall be deemed to apply also to any variation or discharge of such contract.

Procedure when immovable property cannot be acquired by agreement.

91. (*1*) Whenever the Commissioner is unable to acquire any immovable property under the last preceding section by agreement, [6][the Provincial Government] may, in their discretion, upon the application of the Commissioner, made with the approval of the [7][Improvements Committee] [8][and subject to the other provisions of this Act] order proceedings to be taken for acquiring the same on behalf of the corporation, as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1870.[9]

---

[1] The words "Improvements Committee" were substituted for the original words by Bom. 13 of 1933, s. 17 (*a*).

[2] The words "Improvements. Committee" were substituted for the original words, *ibid.*, s. 17 (*b*).

[3] New sub-section (*2A*) was inserted by Bom. 13 of 1933 s. 17 (*c*).

[4] Sub-section (*3*) was substituted for the original sub-sections, *ibid*,, s. 17 (*d*).

[5] New sub-sections (*4*), (*5*) and (*6*) were inserted, *ibid.*, s. 17(*e*).

[6] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[7] These words were substituted for the original words by Bom. 13 of 1933, s. 18 (*a*).

[8] These words were inserted, *ibid* , s. 18 (*b*)

[9] See now the Land Acquisition Act, 1894 (1 of 1894).

(*2*) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property shall vest in the corporation.

Transfer of property to the corporation.

[1]**91A.** (*1*) From the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation there shall vest or re-vest in the corporation, as the case may be, subject to all the charges and liabilities affecting the same, to be held by the corporation for the purposes of this Act, subject to any restrictions and conditions contained in the City of Bombay Municipal (Amendment) Act, 1933, all the immovable and other property and all other interests and rights of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925; including all the estate, right, title and interest of the said Board in and to the lands specified in Schedule W and Schedule X and in the reclaimed lands specified in Schedule Y and shown on the deposited plans.

Bom. XIII of 1933. Bom. XVI of 1925.

(*2*) (*a*) In respect of the lands referred to as the Flats, specified in Schedule W as plots 1 (*b*), 1 (*c*) and 1 (*d*), the corporation may, subject to the power of resumption reserved by sub-section (*8*) at any time lay out the whole or any part or parts of these plots as recreation grounds or parks for the free use of the public, or appropriate the whole or any part of the said plots to building purposes.

(*b*) The lands specified in Schedule W as plot 1 (*j*) shall, subject as aforesaid, be permanently appropriated as an open space, but such appropriation shall not preclude the corporation from letting the said lands from time to time on lease for a term not exceeding one year, or with the previous sanction of [2][the Provincial Government] and on such conditions as may be approved by [2][the Provincial Government] for a term not exceeding 30 years, for the purpose of a race-course or for any purpose of public recreation or amusement.

(*c*) All the lands specified in Schedule W as plots 1 (*a*), 1 (*e*) to 1 (*i*) both inclusive and 1 (*k*) and the lands specified in Schedule Y shall, subject to the provisions of sub-section (*1*), vest in the corporation.

(*3*) The lands respectively referred to in Schedule ZZ as plot 1 (*d*-1) part, 1 (*b*) Cadastral Survey No. 3/383 the Body Guard Lines Plot, Plot No. 3 the Cooperage Plot and Plot No. 4 (*b*) the Marine Lines Maidan shall vest absolutely in His Majesty, provided that Plot No. 3 the Cooperage Plot and Plot No. 4 (*b*) the Marine Lines Maidan shall be maintained in perpetuity as open spaces, provided further that the aforesaid Plot Nos. 3 and 4 (*b*) or any part thereof may at any time be occupied by or with the previous permission of [2][the Provincial Government] for any temporary purpose.

(*4*) All the estate, right, title and interest of the said Board to and in any land specified in Schedule W vested or re-vested in the corporation under this section, with the exception of the lands specified in clause (*c*) of sub-section (*2*) and in sub-section (*3*) shall, subject to the provisions of this section, remain so vested or re-vested until such time as the whole of the lands so specified except those appropriated as open spaces, shall have been let on a building lease either by the said Board or by the corporation or as to any part thereof until such time as such part shall have been so let, and thereafter, as to the whole, except as aforesaid, or any such part for a further period, which shall not as regards the whole or any such part exceed ninety-nine years from the date on which the whole or any such part shall have been first let.

---

[1] New sections 91A to 91C were inserted by Bom. 13 of 1933, s. 19.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*5*) All lands specified in Schedule X shall, subject to the provisions of sub-section (*1*), vest in the corporation.

(*6*) It shall be lawful for the corporation from time to time, in the case of land specified in Schedule W, with the sanction of [1][the [2][State] Government], to take out of said Schedule W any land or to take any land out of Schedule X in exchange for any freehold land, the property of the corporation, which they wish to bring on to the Schedules. An exchange made under this sub-section shall operate to transfer the land taken out of the schedules to the corporation free from all conditions of resumption and re-vesting created by this Act and free from all encumbrances and to vest the land brought on to the Schedules in the corporation as if it were part of the property originally entered in Schedule W or X, as the case may be.

(*7*) Without prejudice, and in addition to the powers conferred on the corporation by section 87, it shall be lawful for the corporation to take over and hold any other lands within the city of which they may be put in possession by the [3][Central or [2][State] Government], to the intent that such lands shall vest in the corporation in the same manner and subject to same conditions as if such lands, if taken over from the [3][Central or [2][State] Government], were included in Schedule W, and such vesting shall in every such case take effect upon delivery to the corporation of possession of the land.

(*8*) Any land, other than land specified in clause (*c*) of sub-section (*2*) and other than land leased or agreed to be leased by the said Board or by the corporation specified in Schedule W, which shall be required by [4][the Central or the [2][State] Government] for a public purpose, may at any time, after giving six months' notice to the corporation, be resumed by [5][that Government].

(*9*) [6][The [2][State] Government] may, by notification in the [7][*Official Gazette*] from time to time add to or amend the entries in Schedule W and, with the concurrence of the corporation, the entries in Schedule X so far as may be necessary in consequence of any exchange, resumption, acquisition or other transfer of land, and, with the like concurrence in the case of lands specified in Schedule X, correct mistakes in the said schedules or in the deposited plans, and upon such notification the said schedules or plans shall be read subject to such addition, amendment or correction. Such notification shall in the case of any alteration of Schedule W or Schedule X include a notification of the whole schedule or schedules as so altered.

Power to grant lease of plot No. 3, the Cooperage Plot, or part thereof.

[8][**91AA.** Notwithstanding anything contained in sub-section (*3*) of section 91A, it shall be lawful and shall be deemed to have been lawful for the State Government to lease Plot No. 3, the Cooperage Plot, or any part thereof for a term not exceeding sixty years commencing from the 1st day of March nineteen hundred and forty-three for the construction of a club house for ratings of the Indian Navy or for any other similar purpose and the provisions of the first proviso in sub-section (*3*) of the said section 91A shall not apply to the said plot or any part thereof, as the case may be, so long as such lease remains in force and has not determined or has not been surrendered or otherwise terminated in accordance with law.]

---

[1] The words "the Provincial Government" were substitued for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] This word was substitued for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] The words "Central or Provincial Government" were substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "the Central or the Provincial Government" were substituted for the word "Government", *ibid.*

[5] The words "that Government" were substitued for the word "Government", *ibid*,

[6] The words "The Provincial Government" were substituted for the word "Government", *ibid.*

[7] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid*

[8] Section 91AA was inserted by Bom. 20 of 1952, s. 5.

Vesting of property in [2][Government] on the termination of leases granted by the Corporation.

[1][**91B.** Upon the determination of the further period mentioned in sub-section *(4)* of section 91A the property vested or re-vested in the corporation, under the said section in any part of the land specified in Schedule W except those appropriated as open spaces, and the plots 1*(a)* and 1*(e)* to 1*(i)* both inclusive and 1*(k)* of the Flats shall be forthwith divested and such part of such lands shall vest or re-vest absolutely in [3][the State Government].

Power to apply certain lands vested in the corporation to the purpose of any scheme under this Act.

[1][**91C.** The corporation shall have power, subject to the provisions of section 91A, to apply any of the lands specified in Schedules W, X and Y for [4][any of the purposes for which land acquired under Chapter XII-A may be applied including the purposes of] any of the scheme referred to in sub-section *(2)* of section 354B.]

Property of abolished Municipalities and local authorities vesting in corporation.

[5][**91D.** All immovable and other property, which on the date immediately preceding the appointed date was held by or vested in—

(a) any municipality or other local authority which has been abolished by or under the Bombay Municipal (Extension of Limits) Act, 1950, in consequence of the inclusion in Greater Bombay of the area for which it was constituted; or

Bom. VII of 1950.

(b) the State Government by reason of the supersession or dissolution of such municipality or local authority under any law relating to such municipality or local authority;

shall vest in the corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same:

Provided that the immovable property held by or vested in the District Local Board of the Bombay Suburban District and the District School Board of the Bombay Suburban District shall vest in the corporation to the extent it is situated in the area included in Greater Bombay and that any other property so held by or vested in the said Boards shall vest in the corporation to such extent as may be determined by the State Government.

Explanation.—For the purposes of this section, the immovable property and other property shall include primary schools with their lands, buildings, roads and equipment belonging to or vesting in any municipality or local authority under the provisions of any law for the time being in force.

Decision of claims to property by or against the corporation in the suburbs.

91E. *(1)* Where any immovable property situated in the suburbs, or any right in or over such property, is claimed by or on behalf of the corporation or by any person as against the corporation, it shall be lawful for the Collector, Bombay Suburban District, after formal enquiry, of which due notice has been given, to pass an order deciding the claim.

(2) The corporation or any person aggrieved by an order passed by the Collector under sub-section *(1)* may, notwithstanding anything contained in any law for the time being in force, within one year from the date on which the corporation or such person had due notice of such order, institute a suit in any competent civil court to set aside such order or to claim a relief inconsistent therewith.

If any suit is instituted after the expiration of one year from the date on which the notice of such order has been given such suit shall be dismissed although limitation has not been set up as a defence.

---

[1] New sections 91A to 91C were inserted by Bom. 13 of 1933, s. 19.

[2] These words were substituted for the original words by the Adaptation of Laws Order, 1950.

[3] This word was substituted for the words " His Majesty ", *ibid.*

[4] These words were substituted for the original words by Bom. 34 of 1954, s. 2.

[5] Sections 91D and 91E were inserted by Bom. 7 of 1950, s. 12.

(*3*) The Collector may, by general or special order, delegate the powers conferred on him under this section to an Assistant or Deputy Collector or a Survey Officer as defined in the Bombay Land Revenue Code, 1879. Bom. V of 1879.

(*4*) The formal inquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid Code.

(*5*) A person shall be deemed to have had due notice of an inquiry under this section if notice thereof has been given in accordance with rules made in this behalf by the State Government.]

Requisitioning of premises, vehicles, etc., for elections.

[1][**91F.** (*1*) If on a request made by the Commissioner, it appears to the State Government or an officer authorised by the State Government (hereinafter referred to as "the requisitioning authority") that in connection with any election,—

(*a*) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after the poll has been taken; or

(*b*) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to, or from any polling station or transport of members of the police force for maintaining order during the conduct of such election or transport of any officer or other person for the performance of any duties in connection with such election,

the requisitioning authority may by order in writing requisition such premises or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(*2*) The requisition shall be effected by an order in writing addressed to the person deemed by the requisitioning authority to be the owner or person in possession of the property and such order shall be served in the manner prescribed by rules made by the State Government under section 91K on the person to whom it is addressed.

(*3*) Whenever any property is requisitioned under sub-section (*1*), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

Explanation.—For the purpose of this section, "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof.

---

[1] Sections 91F to 91L were inserted by Bom. 54 of 1955, s. 8.

Payment of compensation.

[1]91G. (*1*) Whenever in pursuance of section 91F, the requisitioning authority requisitions any premises the corporation shall pay to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

(*i*) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(*ii*) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within the time prescribed by rules made by the State Government under section 91K for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the requisitioning authority may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the requisitioning authority to an arbitrator appointed in this behalf by the State Government or the requisitioning authority for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation.—For the purpose of this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 91F immediately before the requisition, or where no person was in actual possession, the owner of such premises.

(*2*) Whenever in pursuance of section 91F, the requisitioning authority requisitions any vehicle, vessel or animal, the corporation shall pay to the owner thereof compensation the amount of which shall be determined by the requisitioning authority on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within the time prescribed by rules made by the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the requisitioning authority may determine:

Provided further that where immediately before the date of the requisitioning, the vehicle or vessel was by virtue of a hire-purchase agreement in the possession of the person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement, in such manner as an arbitrator appointed by the requisitioning authority in this behalf may decide.

---

[1] Sections 91F to 91L were inserted by Bom 34 of 1955. s. 5.

[1]91H. The requisitioning authority may, with a view to requisitioning any property under section 91F or determining the compensation payable under section 91G by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified. Power to obtain information.

[1]91I. (*1*) Any [person remaining in possession of any requisitioned premises in contravention of any order made under section 91F may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf. Eviction from requisitioned premises.

(*2*) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

[1]91J. (*1*) When any premises requisitioned under section 91F are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such persons, to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered. Release of premises from requisition.

(*2*) Where the person to whom possession of any premises requisitioned under section 91F is to be given under sub-section (*1*) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the *Official Gazette.*

(*3*) When a notice referred to in sub-section (*2*) is published in the *Official Gazette*, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or the corporation shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

[1]91K. The State Government shall make rules for prescribing— Power to make rules.

(*1*) the manner in which an order of requisition shall be served under sub-section (*2*) of section 91F, and

(*2*) the time within which an application for determining the amount of compensation by an Arbitrator shall be made under section 91G.

[1]91L. If any person contravenes any order made under section 91F he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.] Penalty for contravention of any order regarding requisitioning.

---

[1] Sections 91F to 91L were inserted by Bom. 51 of 1955, s. 8.

Disposal of Property.

Provisions governing the disposal of municipal property.

92. With respect to the disposal of property belonging to the corporation [1][other than property vesting in the corporation for the purposes of the Bombay Electric Supply and Transport Undertaking], the following provisions shall have effect, namely :—

(*a*) the Commissioner may, in his discretion, dispose of, by sale or otherwise, any moveable property belonging to the corporation not exceeding in value, in each instance, five hundred rupees, or grant a lease of any immovable property belonging to the corporation, including any right of fishing or of gathering and taking fruit and the like, for any period not exceeding twelve months at a time :

[2][Provided that every lease of immovable property granted by the Commissioner (other than a contract for a monthly tenancy) the annual rent whereof at a rack rent exceeds three thousand rupees shall be reported by him, within fifteen days after the same has been granted, to the Improvements Committee] ;

[3][(*b*) the Commissioner may—

(*i*) with the sanction of the Education Committee dispose of, by sale or otherwise, any moveable property held by the Corporation for the purpose of clause (*q*) of section 61 of which the value does not exceed Rs. 5,000 ;

(*ii*) with the sanction of the standing committee dispose of, by sale or otherwise, any moveable property held by the Corporation for any other purpose the value of which does not exceed Rs. 5,000 ;

(*iii*) with the sanction of the Improvements Committee, grant a lease (other than a lease in perpetuity) of any immoveable property belonging to the Corporation, including any such right as aforesaid, or sell, or grant a lease in perpetuity of any immoveable property belonging to the Corporation the value of which does not exceed fifty thousand rupees or the annual rent of which does not exceed three thousand rupees ;]

(*c*) with the sanction of the corporation, the Commissioner may lease, sell or otherwise convey any property, moveable or immovable belonging to the corporation ;

[4][(*cc*) the consideration for which any immovable property or any right belonging to the corporation may be sold, leased or otherwise transferred shall not be less than the market value of such premium, rent or other consideration ;]

(*d*) the sanction of [5][the Education Committee or of] the Standing Committee or [6][of the Improvements Committee or] of the corporation under clause (*b*) or clause (*c*) may be given either generally for any class of cases or specially in any particular case ;

(*e*) the aforesaid provisions of this section shall apply, respectively, to every disposal of property belonging to the corporation made under or for any purpose of this Act :

---

[1] These words were inserted by Bom. 48 of 1948, s. 18.
[2] This proviso was substituted for the original by Bom. 13 of 1933, s. 20(*a*).
[3] Sub-clause (*b*) was substituted by Bom. 48 of 1950, s. 52(*1*).
[4] New sub-clause (*cc*) was inserted by Bom. 13 of 1933, s. 20(*c*).
[5] These words were inserted by Bom. 48 of 1950, s. 52(*2*).
[6] These words were inserted by Bom. 13 of 1933, s. 20(*d*).

[1][Provided that nothing in this section shall apply to the statue of Her Majesty Queen Victoria or to the Victoria and Albert Museum or to the sites thereof referred to in sections 89B and 89C except with the previous sanction of [2][The [3][State] Government].]

Obligation annexed to property binding on transferee.

[4][**92A.** Where—

(*1*) The Commissioner has transferred by way of sale or exchange any immovable property belonging to the Corporation and the terms of such transfer direct that the property shall be applied or enjoyed in a particular manner or the use or enjoyment thereof shall be restricted in a particular manner, or

(*2*) the owner of any immovable property has entered into an agreement with the Corporation concerning the application, enjoyment or use of the property in a particular manner,

such term, condition or obligation shall be held to be annexed to the property which is the subject-matter of the transfer or agreement and shall be enforced against the transferee or owner and all persons deriving title or interest under or through him,

notwithstanding—

(*a*) any law for the time being in force, and

(*b*) that the Corporation are not in possession of or interested in any immovable property for the benefit of which, the term, condition or obligation was agreed to, entered into or imposed.]

Liabilities.

Debts payable by the corporation.

93. So much of the following moneys as are still repayable on the day when this Act comes into force shall be repaid, together with the interest due thereupon, by the corporation, namely—

(*a*) to the [5][Government]—

Vehar water works debt.

(*i*) the balance of the debt due on account of the Vehar water works [6][referred to] in section 140 of the Bombay Municipal Acts of 1872[7] and 1878,[7] with simple interest thereon at the rate of four per centum per annum ;

Bom. III of 1872. Bom. IV of 1878. Bom. II of 1880.

The consolidated loan.

(*ii*) the balance of the consolidated loan, at the same was defined in section 3, clause (3) of the Bombay Municipality's Consolidated Loan Act, 1880,[7] due on various accounts, with interest thereon at the rate of four-and-a-half per centum per annum ;

---

[1] This proviso was added to section 92 by Bom. 3 of 1907, s. 15.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

[4] Section 92A was inserted by Bom. 34 of 1954, s. 3.

[5] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[6] The words "referred to" were substituted with effect from the 31st December 1892 for the original word by Bom. 2 of 1894, s. 2.

[7] Bom. 3 of 1872, 4 of 1878 and 2 of 1880 are repealed by s. 2 of this Act.

(*b*) to municipal security-holders—

Bom. II of 1865.

House rate and market loans of 1867-68.

(*iii*) the house rate loan and the two market loans raised in 1867 and 1868 under the provisions of the Bombay Municipal Act, 1865[1] with interest thereon at the rate of six per centum per annum;

XXIV of 1871.

New drainage loan of 1878.

(*iv*) the drainage loan of 1878 raised under the provisions of the Public Works' Loan Act, 1871,[2] with interest thereon at the rate of five per centum per annum;

XI of 1879.

Sanitary works loans of 1885, 1886 and 1888.

(*v*) the sanitary works' loans of 1885, 1886 and 1888 contracted under the provisions of the Local Authorities Loans Act, 1879,[3] with interest thereon at the rate of five per centum per annum;

Tansa water-works' loan.

(*vi*) the portion of the Tansa water-works' loan contracted under the Act last aforesaid previous to the coming into force of this Act;

Drainage and water-works' loan of 1888.

(*vii*) the portion of the drainage and water-works' loan of 1888 contracted under the said Act previous to the coming into force of this Act.

Repayment of Moneys due to the [4][*Government.*]

Vehar water-works' debt repayable in monthly instalments.

94. In order to secure the repayment of the Vehar water-works' debt, the Commissioner shall, on the first day of every month, until the whole of the said debt, together with the interest due thereon, shall be liquidated, pay to [5][the Government] a sum of rupees [6][nine thousand four hundred and ninety-eight.]

Period repayment of consolidated loan.

95. (*1*) The whole of the consolidated loan, together with the interest due thereon, shall be repaid within thirty years from the first day of January 1881.

Mode of repayment.

(*2*) For better securing the repayment of the said loan, the Commissioner shall pay half-yearly to [7][the [8][Government]], on every first day of January and every first day of July, until the whole of the said loan, together with the interest due thereon, shall be liquidated, a sum of one lakh seventy-eight thousand three hundred and twenty-six rupees, two annas and five pies.

Payments to whom to be made.

96. (*1*) Every payment to be made by the Commissioner under either of the two last preceding sections shall be made [9][to the officer for the time being appointed to receive [10][the [11][State] Government] dues or into the Bank of Bombay.].

---

[1] Bom. 2 of 1865 was repealed by Bom. 3 of 1872.

[2] Act 24 of 1871 was repealed by Act 11 of 1879, which in its turn was repealed by Act 9 of 1914.

[3] *See* now the Local Authorities Loans Act, 1914 (9 of 1914).

[4] The word "Crown" was substituted for the words "Secretary of State in Council" by the Adaptation of Indian Laws Order in Council.

[5] The words "the Crown" were substituted for the word "Government", *ibid.*

[6] These words were substituted with effect from 31st December 1892 for the original words by Bom. I of 1894, s. 3.

[7] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[8] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[9] These words were substituted for the original words, by Bom. 1 of 1894 s. 4 (*1*). The reference to the Bank of Bombay should be read as referring to the Reserve Bank of India, Bombay.

[10] The words "The Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[11] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Notice of payments to be published.

(*2*) Notice of every such payment having been made shall be forthwith, published by the Commissioner in the [1][*Official Gazette*].

In case of non-payment report to be made to the Chief Secretary to [3][State] Government.

97. If the Commissioner fails to make any of the said payments at the prescribed time the Accountant General shall, within seven days after the day on which such payment ought to have been made, report the fact to the Chief Secretary to [2][the [3][State] Government] or other officer acting in that capacity.

Arrears may be recovered by detention of moneys due to the corporation.

98. (*1*) It shall be lawful for the said Chief Secretary, or other officer acting in that capacity, when any of the said payments is in arrear, to direct any [4][Government Officer], not being a municipal authority or officer, to detain, to the extent of any payment or payments then in arrear, any moneys due or that may become due to the corporation, which he may then or thereafter have in his custody or control.

(*2*) Such officer shall detain the moneys which he is so directed to detain and pay the same, as they become due to the corporation, [5][to the officer for the time being appointed to receive [2][the [3][State] Government] dues, or into the Bank of Bombay].

(*3*) The moneys so paid shall be applied in or towards satisfaction of the amount for the time being due in respect of the Vehar water-works' debt or of the consolidated loan, in preference to and with priority over all other incumbrances on and claims to such moneys.

Or by attachment of the municipal fund, etc.

99. (*1*) If the amount in arrear cannot be recovered in the manner provided in the last preceding section, the [6][[3][State] Government] may attach the municipal fund, or any tax leviable by the corporation.

---

[1] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] These words were substituted for the words "servant of the Crown", *ibid.*

[5] These words were substituted for the original word by Bom. 1 of 1894, s. 4 (*1*) the reference to the Bank of Bombay should be read as referring to the Reserve Bank of India, Bombay.

[6] The words "Provincial Government" were substituted for the words "Governor in Council", by the Adaptation of Indian Laws Order in Council.

(2) After such attachment no person, except an officer appointed by the [1][Provincial Government], shall in any way deal with the attached fund or tax; but such officer may do all acts in respect thereof which the corporation or any municipal authority might have done, if such attachment had not taken place and may apply the proceeds in satisfaction of the amount in arrear and of all expenses involved by the attachment and subsequent proceedings.

Attachment not to defeat prior charge legally made.

(3) Provided that no such attachment shall defeat or prejudice any debt for which the fund or tax attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund or tax attached before any part of the proceeds is applied to the satisfaction of a liability for the Vehar water-works' debt or the consolidated loan.

Reversion of Vehar water-works to the Crown in case of default in payment of any instalment of the debt due on their account.

100. If the Commissioner fails to make any monthly payment, in accordance with section 94, on account of the Vehar water-works' debt and after notice in writing, signed by one of the Secretaries to [2][the Provincial Government] requiring payment of the same has been served upon him and forwarded to the president of the corporation and published for a period of not less than two months in the [3][*Official Gazette*] shall still fail to make such payment, the said Vehar water-works shall, notwithstanding anything contained in section 88, cease to vest in the corporation and shall forthwith become vested in [4][Her Majesty] in trust for the purposes for which the same were previously vested in the corporation.

Other rights, remedies of the Crown not to be affected.

101. Nothing in the four last preceding sections shall affect the rights or remedies which the [5][Crown] has or shall have independently of this Act for the recovery of the moneys aforesaid.

Method of appropriating payments on account of the Vehar water-works.

102. The annual sum of the monthly instalments paid by the Commissioner under section 94 and all recoveries made under any of the foregoing sections on account of the Vehar water-works' debt shall be appropriated as follows, namely :—

first to the payment of the interest accrued on account of the principal sum of rupees thirty-seven lakhs thirty thousand and fifty-three due on account of the said debt on the first day of July 1863;

secondly, to the payment of interest on all sums advanced by [6][the Crown] in connection with the said works since the first day of July 1863;

thirdly, to the payment of all sums subsequently advanced as aforesaid; and

lastly, to the liquidation of the said principal sum of rupees thirty-seven lakhs thirty thousand and fifty-three.

Method of appropriating payments on account of the consolidated loan.

103. Every payment made by the Commissioner under section 95 and all recoveries made under any of the foregoing sections on account of the consolidated loan shall be appropriated first to the payment of the interest due at the time of such payment or recovery and secondly to the reduction of the principal.

---

[1] The words "Provincial Government" were substituted for the words "Governor in Council", by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[3] The words "*Official Gazette*" were substituted for the word "*Bombay Governmnt Gazette*", *ibid.*

[4] The words "Her Majesty" were substituted for the original words by Bom. 4 of 1888, s. 5 (*1*) (*a*).

[5] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[6] The words "the Crown" were substituted for the word "Government" *ibid.*

Repayment of House-rate and Market Loans of 1867-68.

Sinking fund for house-rate and market loans to be maintained.

104. (*1*) Until such times as the corporation repay the house-rate loan and the two market loans raised in 1867 and 1868 under the provisions of sections 253 to 258 of the [1]Bombay Municipal Act, 1865, it shall be incumbent on the corporation to maintain out of the taxes, on the security of which the said loans were raised, the sinking-fund prescribed by section 257 of the said Act:

Bom. II of 1865.

(*2*) Provided that in the event of the corporation's discharging any portion of the said loans at any time previous to the time at which they are repayable in full, it shall be competent to the corporation to reduce *pro tanto* the amount of the said sinking fund.

Publication of Annual Account of Balances due on Loans.

Account of balances due on loans to be published by the Commissioner yearly.

105. (*1*) The Commissioner shall, in the month of [2][April] in each year, publish in the [3][*Official Gazette*] an account showing the balances due by the corporation on the last preceding thirty-first day of [2][March] to the [4][Crown] and to municipal security holders, [5][and holders of securities issued by the Board of Trustees for the Improvement of the City of Bombay under and in accordance with the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925] respectively, on account of each debt or loan, if any, at the time still repayable by the corporation.

Bom. IV of 1898. Bom. XVI of 1925.

(*2*) The Commissioner shall also cause the said account to be printed and a printed copy thereof to be forwarded to the usual or last known local place of abode of each councillor.

CHAPTER VI.

BORROWING POWERS.

Power to borrow from Central or Provincial Government or other persons.

[6]**106.** The corporation may from time to time borrow or re-borrow and take up at interest from [7][the Central or the Provincial Government] or with the sanction of the [8][Provincial Government], from any other person, any sum necessary for the purpose of—

(*a*) defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act,

(*b*) discharging any loan contracted under this Act or any other loan or debt for the repayment of which they are liable,

---

[1] Bom. 2 of 1865 was repealed by Bom. 3 of 1872.

[2] The words "April" and "March" were respectively substituted for the original words "January" and "December" by Bom. 10 of 1928.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[4] The word "Crown" was substituted for the words "Secretary of State for India in Council", *ibid.*

[5] These words and figures were inserted by Bom. 13 of 1933, s. 21.

[6] New section 106 was substituted by Bom. 13 of 1933, s. 22, for the original as amended by Act 38 of 1920, s. 2, and Sch I, Part IV, and Bom. I of 1925, s. 17.

[7] The words "the Central or the Provincial Government" were substituted for the words "the Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[8] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

(*c*) making good any deficit in budget-estimate " B " framed under section 126,

(*d*) generally, carrying out the purposes of this Act including the advance of loans under section 354W.

[1]* * * * * *

Provisions applicable to any new loan contracted with Central or [3][State] Government.

107. If any new loan shall be contracted by the corporation under this Act with [2][the Central or the [3][State] Government], the same shall be subject, as regards repayment and security and in every other respect, to the same provisions as are hereinbefore contained in respect of the consolidated loan save only that the rate of interest, the period of repayment and the number and amount of the instalments shall, in the case of any such new loan, be fixed, [4][by the Central Government, or, as the case may be, the [3][State] Government].

[1]* * * * * * *

Mortgage of taxes or immovable property.

108. (*1*) The corporation may borrow or re-borrow any such sum as aforesaid from any person other than [2][the Central or the [3][State] Government], on the security of any immovable property belonging to them or proposed to be acquired by them under this Act or of all the taxes or of any tax which they are authorised to levy for the purposes of this Act [5][or of the Bombay Electric Supply and Transport Undertaking] or of all or any of those securities.

(*2*) And for the purpose of securing the repayment of any sum so borrowed, with interest thereon, they may mortgage to the person by or on behalf of whom such sum is advanced any such immovable property or tax [6][or the said undertaking.]

Provisions as to exercise of borrowing powers.

109. The exercise of the powers of borrowing conferred by this Act shall be subject to the following provisions, namely—

(*a*) money shall not be borrowed for the execution of any work other than a permanent work including under this expression any work, of which the cost ought, in the opinion of [7][the [3][State] Government], to be spread over a term of years;

[8](*b*) the sum borrowed for any purpose other than for discharging any of the obligations arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 [9][or other than for discharging any obligation arising out of the acquisition, extension, administration, operation or maintenance of the Bombay Electric Supply and Transport Undertaking,] including the balances of all the outstanding loans and debts borrowed for any of the said purposes shall not exceed in the whole double the rateable value of the premises in [10][Greater Bombay] assessable, as hereinafter provided, to property taxes; and

Bom. XVI of 1925.

[8](*c*) the sum borrowed for the purpose of discharging any of the obligations arising out of the transfer to the corporation of the powers, duties, assets and

---

[1] The proviso was omitted by the Adaptation of Indian Laws Order in Council.

[2] The words " the Central or the Provincial Government " were substituted for the words " the Secretary of State for India in Council ", *ibid.*

[3] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[4] The words " by the Central Government or, as the case may be, the Provincial Government " were substituted for the words " under the orders of the Governor General in Council, by the Governor in Council " by the Adaptation of Indian Laws Order in Council.

[5] These words were inserted by Bom. 48 of 1948, s. 19.

[6] These words were added, *ibid*, s. 19.

[7] The words " the Provincial Government " were substituted for the words " Government " by the Adaptation of Indian Laws Order in Council.

[8] Clauses (*b*), (*c*) and (*d*) were substituted for the original clause (*b*) by Bom. 13 of 1933, s. 23 (*a*).

[9] These words were inserted by Bom. 48 of 1948, s. 20.

[10] Theese words were substituted for the words " the City " by Bom. 7 of 1950, s. 6(*1*).

liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, including, the balances of all outstanding loans and debts borrowed by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, and by the corporation for the purpose of discharging the aforesaid obligations, shall not at any time exceed in the whole double the rateable value of the premises in [1][Greater Bombay] assessable, as hereinafter provided, to property taxes ; and

Bom. XVI of 1925.
Bom. IV of 1898.
Bom. XVI of 1925.

[2](*d*) the sum borrowed under clause (*c*) for the purpose of making good any deficit in budget estimate B framed under section 126 shall not in any year exceed twenty lakhs of rupees ; [3][and

(*dd*) the sum borrowed for the purpose of discharging any obligation arising out of the acquisition, extension, administration, operation, or maintenance of the Bombay Electric Supply and Transport Undertaking including the balances of all the outstanding loans and debts borrowed for the said purpose, shall not at any time exceed in the whole double the rateable value of the premises in [1][Greater Bombay] assessable, as hereinafter provided, to property taxes ; and]

[4](*e*) the money may be borrowed for such time, not exceeding sixty years, as the corporation, with the sanction of the [5][[6][State] Government], determine in each case ;

[4][[7](*f*) the corporation shall either pay off the money so borrowed, within the period sanctioned, by equal annual instalments of principal or of principal and interest, or in such other manner as may be approved by [8][the [6][State] Government], or they shall in every year set apart as a sinking-fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned or within such other period as may be approved by [8][the [6][State] Government] ;]

[4](*g*) the corporation may at any time apply the whole or any part of a sinking fund set apart under this section in or towards the discharge of the moneys for the repayment of which the fund has been established : Provided that they pay into the fund each time that interest would have been received by the corporation in respect of the sinking-fund or the part of the sinking-fund so applied, and accumulate, until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been so received ;

[4](*h*) the investment every year of any sum set apart as portion of the principal of a sinking-fund shall be made within fifteen days after the day on which the second half-yearly payment of interest is due by the corporation in respect of the loan for repayment of which such sinking-fund is established ; and the re-investment of any sum received by the corporation on account of interest on moneys appertaining to a sinking-fund already invested, and the investment

---

[1] These words were substituted for the words " the City " by Bom. 7 of 1950, s. 6 (*1*).

[2] Clauses (*b*), (*c*) and (*d*) were substituted for the original clause (*b*) by Bom. 13 of 1933, s. 23(*a*).

[3] This portion was inserted by Bom. 48 of 1948, s. 20.

[4] Original clauses (*c*) to (*g*) of section 109 were re-lettered (*e*) to (*i*) by Bom. 13 of 1933, s. 23 (*b*).

[5] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

[6] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[7] New clause (*f*) was substituted for the original by Bom. 13 of 1933, s. 23 (*c*).

[8] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

of any sum payable into the fund under clause [1](*g*) as the equivalent of interest which the corporation would have received, if the sinking fund or a part thereof had not been applied in any manner authorized by the said clause, shall be made within one month from the day on which such interest is received or from the day on which such interest would have been received, as the case may be :

[2][Provided that during the year in which the loan for repayment of which a sinking fund has been established is due for repayment, the sum to be set apart as portion of the principal of such sinking fund and the sum received on account of interest on moneys forming part of such sinking fund may be retained by the corporation in such form as they think fit ;]

[3](*i*) where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not, unless with the sanction of [4][the [5][State] Government] extend beyond the unexpired portion of the period for which the original loan was sanctioned and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Investment of sinking fund and surp[moneys in debentures issued by the corporation.

[6]**109A.** (*1*) In respect of any sinking funds which by this Act the corporation are directed or empowered to invest in public securities, and in respect of any surplus moneys which by this Act the Commissioner on behalf of the corporation is empowered to invest in like securities, it shall be lawful for the corporation to reserve and set apart for the purpose of any such investment any debentures issued or to be issued on account of any loan for which the sanction of the [7][[5][State] Government] [8]* * * shall have been duly obtained under section 106 or issued by the Board of Trustees for the Improvement of the City of Bombay under section 52 of the City of Bombay Improvement Act, 1898, or section 68 of the City of Bombay Improvement Trust Transfer Act, 1925, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan ;

Bom. IV of 1898. Bom. XVI of 1925.

(*2*) the issue of any such debentures direct to and in the name of "The Municipal Commissioner for [9][Greater Bombay] " on behalf of the corporation shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person ;

(*3*) the purchase by, or the transfer, assignment or endorsement to, the corporation or to the Municipal Commissioner on behalf of the corporation of any debenture issued by the corporation or by the Board of Trustees for the Improvement of the City of Bombay shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

Annual examination of sinking funds.

[10][**109AA.** (*1*) All sinking funds established under this Act shall be subject to annual examination by the Accountant General, Bombay, who shall ascertain whether the cash and the value of the securities belonging thereto are actually equal

---

[1] The brackets and letter " (*g*) " were substituted for the brackets and letter " (*e*) " by Bom. 76 of 1948, s. 12.

[2] This proviso was inserted by Bom. 13 of 1933, s. 23 (*d*).

[3] Original clauses (*c*) to (*g*) of section 109 were relettered (*e*) to (*i*), *ibid*, s. 23 (*b*).

[4] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[5] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[6] New sections 109A, 109B and 109C were inserted by Bom. 13 of 1933, s. 24.

[7] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation of Indian Laws Order in Council.

[8] The words " or of the Governor General in Council " were omitted, *ibid*.

[9] These words were substituted for the words " the City of Bombay " by Bom. 7 of 1950, s. 6 (*1*).

[10] This section was inserted by Bom. 76 of 1948, s. 13.

to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(*2*) The amount which should be at the credit of a sinking fund shall be calculated on the basis of the present value of all future payments required to be made to such fund under the provisions of this Act, on the assumption that all investments are regularly made and the rate of interest as originally estimated is obtained therefrom.

(*3*) The securities belonging to a sinking fund shall be valued for the purposes or this section at their current market value, except in the case of debentures issued under this Act or under any previous Act relating to the municipal government of the city or under the City of Bombay Improvement Act, 1898, or under the City of Bombay Improvement Trust Transfer Act, 1925, which shall always be valued at par, provided that the corporation shall make good immediatly any loss which may accrue on the actual sale of such debentures at the time of the repayment of the loan.

Bom. IV of 1898.
Bom. XVI of 1925.

(*4*) The corporation shall forthwith pay into any sinking fund any amount which the Accountant General, Bombay, may certify to be deficient, unless the [2] [[3][State] Government] specially sanctions a gradual readjustment.

(*5*) If the cash and the value of the securities at the credit of any sinking fund are in excess of the amount which should be at its credit, the Accountant General, Bombay, shall certify the amount of such excess sum and the corporation may thereupon transfer the excess sum to the municipal fund.

(*6*) If any dispute arises as to the accuracy of any certificate made by the Accountant General, Bombay, under sub-section (*4*) or (*5*) the corporation may, after making the payment or transfer, as the case may be, refer the matter to the [2] [[3][State] Government] whose decision shall be final.]

Corporation may take advances from banks and grant mortgages.

[1]**109B.** (*1*) Notwithstanding anything contained in sections 106, 108 and 109, the corporation may, with the previous sanction of the [2] [[3][State] Government] and for the purpose of discharging any liability arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925, take from any bank or banks credit on a cash account to be opened and kept with such bank or banks in the name of the corporation, for a sum not exceeding in the aggregate fifteen lakhs of rupees on the security of all or any of the taxes which the corporation are authorised to levy for the purposes of this Act.

Bom. XVI of 1925.

(*2*) The corporation may also with the previous sanction of [2][the [3][State] Government] and subject to the provisions of this Act, mortgage any lands or property vesting or revesting or belonging to the corporation in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon.

Corporation to have power to borrow from banks against Government promissory notes or securities.

[1]**109C.** Notwithstanding anything contained in sections 106 and 109, the corporation may also borrow for the purpose of this Act, from any bank or banks in which under section 122 the surplus moneys at the credit of the municipal fund may be deposited, against any Government promissory notes or other securities in which for the time being the cash balance of the corporation may be invested.

---

[1] New sections 109A, 109B and 109C were inserted by Bom. 13 of 1933, s. 24.

[2] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

110. (*1*) Every mortgage authorized to be made under this Chapter [1][other than a mortgage made under section 109B] shall be by debenture in the form contained in Schedule C or in such other form as the corporation, with the consent of [2][the Provincial Government] shall from time to time determine.

Form of security.

(*2*) Every debenture issued under this Act [3][other than a debenture issued under section 110D] shall be transferable by endorsement [4]* * *

* * * * * * * *

(*3*) The right to payment of the moneys secured by any of such debentures and to sue in respect thereof shall vest in the holder thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

[5]**110A.** (*1*) When a debenture issued under this Act or any previous Act relating to the municipal government of the city [6][or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925], is alleged to have been [7][lost, stolen or destroyed either wholly or in part] and a person claims to be the person to whom but for the loss, [8][theft] or destruction it would be payable, he may, on application to the Municipal Commissioner, and on producing proof to his satisfaction of the loss, [8][theft] or destruction and of the justice of the claim, obtain from him an order for—

Issue of duplicate securities.

Bom. IV of 1898.
Bom. XVI of 1925.

[9][(*a*) if the debenture alleged to have been lost, stolen or destroyed is payable more than six years after the date of publication of the notification referred to in sub-section (*2*),

(*i*) for the payment of interest in respect of the debenture pending the issue of a duplicate debenture, and

(*ii*) for the issue of a duplicate debenture payable to the applicant, or

(*b*) if the debenture alleged to have been lost, stolen or destroyed is payable not more than six years after the date of publication of the notification referred to in sub-section (*2*),

(*i*) for the payment of interest in respect of the debenture without the issue of a duplicate debenture, and

(*ii*) for the payment to the applicant of the principal sum due in respect of the debenture on or after the date on which the payment becomes due.]

(*2*) An order shall not be passed under sub-section (*1*) until after the issue of such notification of the loss [10][theft] or destruction of the debenture as may be prescribed by the corporation, and after the expiration of such period as may be prescribed by the corporation, nor until the applicant has given such indemnity as may be required by the corporation against the claims of all persons deriving title under the debenture lost, [11][stolen] or destroyed.

---

[1] These words and figures were inserted, by Bom. 13 of 1933, s. 25 (*a*)

[2] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[3] These words were inserted by Bom. 13 of 1933, s. 25 (*b*).

[4] The words and letter " and such transfers may be in the form of Schedule D, or to the like effect " were deleted and have been deemed always to have been deleted, by Bom. 76 of 1948, s. 14.

[5] Sections 110A to 110C were inserted by Bom. 1 of 1910, s. 2, Serial No. 16.

[6] These words and figures were inserted by Bom. 13 of 1933, s. 26.

[7] These words were substituted for the words " wholly or partly lost or destroyed " by Bom. 5 of 1938. s. 12 (*a*) (*i*).

[8] This word was inserted, *ibid.*, s. 12 (*a*) (*ii*).

[9] These clauses were substituted for the original, *ibid.*, s. 12 (*a*) (*iii*).

[10] This word was inserted, *ibid.*, s. 12 (*b*) (*i*).

[11] This word was inserted, *ibid.*, s. 12 (*b*) (*ii*).

[1](*3*) A list of the debentures in respect of which an order is passed under sub-section (*1*) shall be published in the Official Gazette.]

[2](*4*) If at any time before the corporation becomes discharged under the provisions of section 110AD from liability in respect of any debenture the whole of which is alleged to have been lost, stolen or destroyed, such debenture is found, any order passed in respect thereof under this section shall be cancelled.]

Renewal of debentures.

[3][**110AA.** Subject to the provisions of section 110AB, a person claiming to be entitled to a debenture issued under this Act or any previous Act relating to the municipal government of the city or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, may on applying to the Commissioner and on satisfying him of the justice of his claim and delivering the debenture receipted in such manner and paying such fee as may be prescribed by the Commissioner obtain a renewed debenture payable to the person applying.

Bom. IV of 1898. Bom. XVI of 1925.

Renewal of debentures in case of dispute as to title.

110AB. (*1*) Where there is a dispute as to the title to a debenture issued under this Act or any previous Act relating to the municipal government of the city or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, in respect of which an application for renewal has been made, the Commissioner may—

Bom. IV of 1898. Bom XVI of 1925.

(*a*) where any party to the dispute has obtained a final decision from a Court of competent jurisdiction declaring him to be entitled to such debenture, issue a renewed debenture in favour of such party, or

(*b*) refuse to renew the debenture until such a decision has been obtained, or

(*c*) after such inquiry as is hereinafter provided and on consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such debenture and may, after the expiration of three months from the date of such declaration, issue a renewed debenture in favour of such party in accordance with the provisions of section 110AA, unless within that period he has received notice that proceedings have been instituted by any person in a court of competent jurisdiction for the purpose of establishing a title to such debenture.

Explanation.—For the purposes of this sub-section the expression "final decision" means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

(*2*) For the purposes of the inquiry referred to in sub-section (*1*) the Commissioner may himself record, or may request the District Magistrate to record or to have recorded, the whole or any part of such evidence as the parties may produce. The District Magistrate to whom such request has been made may himself record the evidence or may direct any Magistrate subordinate to him to record the evidence and shall forward the record of such evidence to the Commissioner.

(*3*) The Commissioner or any Magistrate acting under this section may, if he thinks fit, record evidence on oath.

Liability in respect of debenture renewed.

110AC. (*1*) When a renewed debenture has been issued under section 110AA in favour of any person, the debenture so issued shall be deemed to constitute a new contract between the corporation and such person and all persons deriving title thereafter through him.

(*2*) No such renewal shall affect the rights as against the corporation of any other person to the debenture so renewed.

---

[1] This Sub-section was substituted for the original by Bom. 5 of 1938, s. 12 (c).

[2] This sub-section was added, *ibid*, s. 12. (*d*).

[3] Sections 110AA to 110AE were inserted, *ibid*., s. 13.

Discharge in certain cases.

110AD. When a duplicate debenture has been issued under section 110A, or when a renewed debenture has been issued under section 110AA or section 110AB, or when the principal sum due on a debenture in respect of which an order has been made under section 110A for the payment of the principal sum without the issue of a duplicate debenture has been paid on or after the date on which such payment became due, the corporation shall be discharged from all liability in respect of the debenture in place of which a duplicate or renewed debenture has been so issued, or in respect of which such payment has been made, as the case may be—

(*a*) in the case of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (*3*) of section 110A or from the date of the last payment of interest on the original debenture, whichever date is later,

(*b*) in the case of a renewed debenture after the lapse of six years from the date of the issue thereof, and

(*c*) in the case of payment of the principal sum without the issue of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (*3*) of section 110A.

Indemnity.

110AE. Notwithstanding anything in section 110AA or 110AB, the Commissioner may in any case arising under either of those sections—

(*1*) issue a renewed debenture upon receiving such indemnity in favour of the corporation and the Commissioner as he shall think fit against the claims of all persons claiming under the original debenture, or

(*2*) refuse to issue a renewed debenture unless such indemnity is given.]

IX of 1872. Bom. IV of 1898. Bom. XVI of 1925.

Right of survivors of joint payees of securities.

[1]**110B.** (*1*) Notwithstanding anything in section 45 of the Indian Contract Act, 1872, when any debenture issued under this Act or any previous Act relating to the municipal government of the city [2][or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925], is payable to two or more persons jointly and either or any of them dies, the debenture shall be payable to the survivor or survivors of those persons.

(*2*) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the debenture jointly payable to him or them and the deceased.

(*3*) This section shall apply whether the death of the person to whom the debenture or security was jointly payable occurred or occurs before or after this section comes into force.

IX of 1872. Bom. IV of 1898. Bom. XVI of 1925.

Power of one or two or more joint holders to grant receipts.

[1]**110C.** Notwithstanding anything in section 45 of the Indian Contract Act, 1872, when two or more persons are joint holders of any debenture issued under this Act, or any previous Act relating to the municipal government of the city, [3][or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925] any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture unless notice to the contrary has been given to the Commissioner by any other of the holders.

---

[1] Sections 110A to 110C were inserted by Bom. 1 of 1910, s. 2, Serial No. 16.

[2] These words and figures were inserted by Bom. 13 of 1933, s. 26.

[3] These words and figures were inserted, *ibid*.

Debentures issued under Bombay Acts IV of 1898 and XVI of 1925.

[1]**110D.** (*1*) The holder of any debenture issued by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, may obtain in exchange therefor, upon such terms as the corporation shall from time to time determine, a debenture in any other form which the corporation may, with the previous consent of [2][the Provincial Government], prescribe.

Bom. IV of 1898. Bom. XVI of 1925.

(*2*) Every debenture issued under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, or by the corporation under sub-section (*1*) shall be transferable—

(*a*) if it is in the form of Schedule AA by endorsement, and

(*b*) if it is in any other form, in such manner as is therein expressed.

Bom. IV of 1898. Bom. XVI of 1925.

(*3*) The rights to sue in respect of the moneys secured by debentures issued under this section or the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, shall vest, in the respective holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Bom. IV of 1898. Bom. XVI of 1925.

Issue of stock certificates.

[1]**110DD.** (*1*) The standing committee at its discretion may, at the time of issue or at any time during the currency of any debentures or securities issued under the provisions of this Act or any previous Act relating to the municipal government of the city or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, upon the application of the subscriber for, or holder of any such debentures or securities, issue to him, in lieu of the debentures or securities deliverable to or held by him, a certificate in the nature of a stock certificate in respect of the loan to which such debentures or securities relate, which shall be in such form as the corporation with the previous consent of [2][the Provincial Government], shall from time to time determine, and all the provisions as to interest or dividend on such debentures or securities shall, so far may be, apply to the interest on the stock certificate.

Bom. IV of 1898. Bom. XVI of 1925.

[3][(*1A*) The repayment of the principal sum mentioned in a stock certificate issued under sub-section (*1*) in lieu of a debenture or any other security, not being a debenture issued under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, or a debenture issued under this Act in renewal of such a debenture, and the interest payable thereon shall be deemed to be secured by a mortgage of a proportion of all the taxes which may be levied under this Act in the same manner and to the same extent as if a debenture for the same sum has been issued in the form contained in Schedule C to this Act.]

(*2*) The standing committee shall upon the application of the holder of a stock certificate convert the same into debentures or securities of the loan to which it relates.

[4][(*3*) The corporation may from time to time make, alter or rescind rules prescribing—

(*a*) the amounts for which stock certificates may be issued;

(*b*) the fees to be levied in respect of the issue of stock certificates;

(*c*) the form of keeping a register of the holders of stock;

---

[1] Sections 110D to 110H were inserted, by Bom. 13 of 1933, s. 27.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] Sub-section (*1A*) was inserted by Bom. 32 of 1935, s. 6

[4] These sub-sections were added by Bom. 5 of 1938, s. 14.

(*d*) the mode in which payment of interest to holders of stock is to be made, recorded and acknowledged;

(*e*) the form of transfer to be used, the formalities to be observed and the fees to be leved on a transfer of stock;

(*f*) the circumstances and manner in which duplicate stock certificates may be issued and the fees to be levied or the indemnity to be required on any such issue;

(*g*) generally the measures to be adopted for carrying out the objects of this section.

(*4*) No rule, or alteration or rescission of a rule, shall have effect until the same shall have been approved by Government, and such approval shall have been published in the *Official Gazette*; and no rule, or alteration or rescission of a rule, shall be approved by Government until the same shall have been published for three weeks successively in the said Gazette.]

Provisions for loans, etc. raised by the Board of Trustees under Bombay Act IV of 1898 and Bombay Act XVI of 1925.

Bom. IV of 1898. Bom. XVI of 1925.

[1]**110E.** In the case of all loans raised, sinking funds established, debentures or other securities issued and debts incurred by the Board of Trustees for the Improvement of the City of Bombay under and in accordance with the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, before the City of Bombay Municipal (Amendment) Act, 1933, comes into operation the following provisions shall apply—

(*i*) if when such loans were raised the loans were made repayable from sinking funds, the corporation shall establish sinking funds for the repayment of such loans and shall pay into such funds such sums, on such dates as may have been fixed when the loans were raised;

(*ii*) if when any such loans were raised the loans were made repayable by equal payments of principal and interest or by equal payments of principal the corporation shall make such payments on such dates and in such manner as may have been fixed when the loans were raised;

(*iii*) the provisions of clause (*f*) of section 109 shall, so far as may be, apply to such loans and the said clause shall be construed as if (*a*) for the word "annual" the words "yearly or half-yearly" were substituted and (*b*) the words "or in such other manner as may be approved by [2][the Provincial Government]" were omitted;

Bom. IV of 1898. Bom. XVI of 1925.

(*iv*) the provisions of clause (*g*) of section 109 shall, so far as may be, apply to such sinking funds and the said clause shall be construed as if for the words "under this section" the words "under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925," were substituted;

(*v*) the provisions of clause (*h*) of section 109 (except the proviso) shall, so far as may be, apply and the said clause shall be construed as if after the word "year" the words "or every half year" were inserted and as if the words "second half-yearly" were omitted;

(*vi*) the provisions of section 109A shall, so far as may be, apply to such sinking funds;

(*vii*) the provisions of section 110F shall apply to such loans;

Bom. IV of 1898.

(*viii*) the provisions of section 106 shall, so far as may be, apply, and the said section shall be construed as if for the words "contracted under this Act" the words "or debt contracted or incurred under this Act or by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay

---

[1] Sections 110D to 110H were inserted by Bom. 13 of 1933, s. 27.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925," were substituted ;

Bom. XVI of 1925.

(*ix*) all securities and cash held by the Board of Trustees for the Improvement of the City of Bombay in existence when the City of Bombay Municipal (Amendment) Act, 1933, comes into operation in sinking funds established for the repayment of such loans shall be transferred to the corporation and shall be held by them as part of the sinking funds established under clause (*i*) ;

(*x*) when money is borrowed for the purpose of discharging any loan contracted by the said Board of Trustees for the Improvement of the City of Bombay the time for repayment of the loan so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned ; and

(*xi*) for the removal of doubts, it is hereby declared that—

(*a*) All loans contracted, sinking funds established and debts incurred by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, shall continue to be subject as regards repayment, rate of interest, period, guarantee for fulfilment of liabilities and in all other respects to the same terms and conditions as were fixed by the said Board when such loans, funds, and debts were contracted, established or incurred or as were provided by or under the aforesaid Acts ;

Bom. IV of 1898. Bom. XVI of 1925.

(*b*) All loans contracted, sinking funds established and debts incurred by the corporation under the provisions of this Act or any Act relating to the municipal government of the City of Bombay prior to the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into force, shall continue to be subject, as regards repayment, rate of interest, period, guarantee for for fulfilment of liabilities and in all other respects, to the same terms and conditions as were fixed when such loans, funds, and debts were contracted, established or incurred or as were provided by or under the provisions of the aforesaid Acts prior to the date mentioned above :

Provided that nothing contained in clauses (*a*) and (*b*) above shall affect any express provision of the City of Bombay Municipal (Amendment) Act, 1933, relating to such loans, funds and debts.

Procedure in event of default by corporation in payment of interest or investment of sinking fund charges.

[1]**110F.** (*1*) If the corporation fail—

(*a*) to pay any interest due in respect of any loan taken by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, for the repayment of which the corporation have become liable under section 110E ;

Bom. IV of 1898. Bom. XVI of 1925.

(*b*) to pay or to set aside and invest any sum required by section 110E or which the said Board were required to pay or set aside and invest under the provisions of the said Acts,

the Accountant General of Bombay shall make such payment or shall set aside and invest such sum as ought to have been set aside and invested under the said provision or Acts ; and the Commissioner shall forthwith pay from the municipal fund to the said Accountant General a sum equivalent to the sum so paid or invested by him ; and if the amount is not so paid [2][the Provincial Government] may attach the rents and other income of the corporation sufficient to pay the said sum and thereupon the provisions of sub-sections (*2*) and (*3*) of section 99 shall with all necessary modifications be deemed to apply.

---

[1] Sections 110D to 110H were inserted by Bom. 13 of 1933, s. 27.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*2*) The corporation may, with the previous sanction of [1][the [2][State] Government], levy any such special tax as may be sufficient to repay to the municipal fund the amount paid by the Commissioner as aforesaid. Such special tax shall be in addition to any of the taxes from time to time leviable under this Act :

[3][Provided that nothing in this sub-section shall authorize the levying of any tax which could not be imposed in the [2][State] by the [2][State] Legislature under the [4][Constitution].

Procedure in case of default by Commissioner.

[5]**110G.** If the Commissioner fails to make the payment as required by section 110F [1][the [2][State] Government] may attach the municipal fund or any tax leviable by the corporation or any special tax leviable under sub-section (*2*) of section 110F sufficient so far as can be estimated to cover such payment and thereupon the provisions of sub-sections (*2*) and (*3*) of section 99 shall with all modifications be deemed to apply :

Provided that before [1][the [2][State] Government] attaches a special tax leviable under sub-section (*2*) of section 110F, [1][the [2][State] Government] may require the corporation to levy the said tax.

Certain sums to be a charge upon the property of the corporation.

[5]**110H.** All moneys payable under sub-section (*1*) of section 110F and levied under section 110G shall constitute a charge upon the property of the corporation.]

CHAPTER VII

REVENUE AND EXPENDITURE.

The Municipal Fund.

Constitution of the municipal fund.

111. [6][Subject to the provisions of sections 120, 120A and 460Z] all moneys received by or on behalf of the corporation under the provisions of this Act or of any other enactment at the time in force, or under any contract,

all proceeds of the disposal of property by, or on behalf of, the corporation,

all rents accruing from any property of the corporation,

all moneys raised by any tax, levied for the purposes of this Act,

all fees and fines payable and levied under this Act or under any rule, regulation or by-law in force thereunder [7][other than fines imposed by a court],

Bom. VII of 1920.

[8][the balance, after all necessary contingent expenses have been defrayed, of all fees] for licences for public conveyances granted by the Police Commissioner under [9][the Bombay Public Conveyances Act, 1920,]

Bom. IV of 1902.

[10][the balance, after all necessary contingent expenses have been defrayed, of all fees for licences for the playing of music in streets and public places granted under paragraph (*ii*) of clause (*f*) of section 22 of the City of Bombay Police Act, 1902,]

---

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] This proviso was substituted for the original proviso, by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the words and figures "Government of India Act, 1935," by the Adaptation of Laws Order, 1950.

[5] Sections 110D to 110H were inserted by Bom. 13 of 1933, s. 27.

[6] This portion was inserted by Bom. 48 of 1948, s. 21.

[7] These words were inserted by the Adaptation of Indian Laws Order in Council.

[8] These words were substituted for the words "all fees" by Bom. 3 of 1907, s. 16(*a*).

[9] These words and figures were substituted for the original by Bom. 76 of 1948, s. 15.

[10] This clause was inserted by Bom. 3 of 1907, s. 16(*b*).

[1]* * * * * *

all moneys received by or on behalf of the corporation [2][from any Government] or private individuals by way of grant or gift or deposit, and

all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the corporation, [3][including loans advanced under section 354W [4][, 354WA or 354WB]],

shall be credited to a fund, which shall be called "the municipal fund", and which shall be held by the corporation in trust for the purposes of this Act, subject to the provisions herein contained :

[5]* * * * * *

Commissioner to receive payments on account of the municipal fund and to lodge them in a bank.

112. All moneys payable to the credit of the municipal fund shall be received by the Commissioner and shall be forthwith paid [6][into the] [7][Bank of Bombay] to the credit of an account, which shall be styled "the account of the municipal fund of [8][Greater Bombay]".

How the fund shall be drawn against.

113. [9][(*1*) Subject to the provisions of section 520, no payment shall be made by the Bank aforesaid out of the municipal fund except on a cheque signed by three persons in the manner specified below, namely :—

(*a*) by either the Commissioner or Deputy Commissioner, or in the absence of both, by the Chairman of the standing committee,

(*b*) by one member of the standing committee who shall attend at the Chief Municipal Office for the purpose twice a week, and

(*c*) by either the Chief Accountant or Deputy Accountant, or in the absence of the both, by the Chairman of the standing committee :

Provided that the Chairman of the standing committee shall not have any authority to sign a cheque under clause (*a*) if he has already signed it under clause (*c*) and *vice versa.*]

(*2*) Payment of any sum due by the corporation in excess of one hundred rupees shall be made by means of a cheque signed as aforesaid and not in any other way.

(*3*) Payment of any sum due by the corporation, not exceeding one hundred rupees in amount, may be made by the Commissioner in cash, cheques for sums not in excess of one thousand rupees each, signed as aforesaid, being drawn from time to time to cover such payments.

Deposit of portion of the municipal fund may be made with bank or agency out of Bombay when convenient.

114. Notwithstanding anything contained in the two last preceding sections, the Commissioner may, with the [10][previous] approval of the standing committee, from time to time, remit any portion of the municipal fund to a bank or other agency at any place beyond the city at which it may be desirable for the corporation to have funds in deposit, and any money payable to the credit of the municipal fund or chargeable thereagainst, which can, in the opinion of the Commissioner, be most conveniently paid into or out of the account of the corporation at any such bank or agency, may be so paid.

---

[1] The words, figures, letter and brackets "the balance, after all expenses referred to in sub-section (*3*) of section 513A have been defrayed, of all fines levied by any magistrate in respect of any offence against the provisions of this Act, or of any regulation or by-law made under this Act, " were omitted by the Adaptation of Indian Laws Order in Council.

[2] The words "from any Government" were substituted for the words "from Government", *ibid.*

[3] These words figures and letter were inserted by Bom. 13 of 1933, s. 28.

[4] These figures, letters and word were inserted by Bom. 34 of 1954, s. 4.

[5] The proviso was deleted by Bom. 48 of 1948, s. 21.

[6] These words were substituted for the original words by Bom. I of 1894, s. 4(*2*).

[7] The reference to the Bank of Bombay should be read as referring to the Reserve Bank of India, Bombay.

[8] These words were substituted for the words "the City of Bombay" by Bom. 7 of 1950, s. 6 (*1*).

[9] Sub-section (*1*) was substituted for the original sub-section by Bom. 22 of 1935, s. 7.

[10] The word "previous" was inserted by Bom. 19 of 1930, s. 9.

Only sums covered by a budget-grant to be expended from the municipal fund.

115. (*1*) Except as hereinafter provided, no payment of any sum shall be made by the Commissioner out of the municipal fund, unless the expenditure of the same is covered by a current budget-grant, and sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 133 or section 134;

Exceptions.

(*2*) Provided that the following items shall be excepted from this prohibition, namely:—

(*a*) sums of which the expenditure has been sanctioned by the standing committee under section 132;

(*b*) temporary payments under section 119 for works urgently required in the public service;

(*c*) refunds of taxes and other moneys which the Commissioner is by or under this Act authorised to make;

(*d*) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*e*) sums which the Commissioner is by section 222, sub-section (*3*), 309, sub-section (*2*), 315, sub-section (*2*), 334, sub-section (*2*), 395, sub-section (*2*), 426, sub-section (*2*), 427, sub section (*4*), 501 and 515, clause (*b*) required or empowered to pay by way of compensation;

(*f*) sums payable in any of the circumstances mentioned in clause (*f*) of section 118;

(*g*) expenses incurred by the Commissioner in the exercise of the powers conferred upon him by section 434;

(*h*) costs incurred by the Commissioner under [1][clause (*c*) or (*d*) of sub-section (*3*)] of section 64.

(*3*) In sub-section (*1*), "budget-grant" means a budget-grant within the meaning of that term as defined in section 130 and includes any sum by which such budget-grant may at any time be increased by a transfer under [2][sub-section (*1*)] of section 133.

Drafts on the municipal fund to be checked by members of the standing committee.

116. The members of the standing committee [3]* * * * shall not sign any cheque under section 113 without first satisfying themselves that the sum for which such cheque is drawn is either covered by a budget-grant as aforesaid or is an item of one of the excepted descriptions specified in sub-section (*2*) of the last preceding section.

Procedure when money not covered by a budget-grant is expended under clause (*e*), (*f*), (*g*) or (*h*) of section 115.

117. Whenever any sum is expended by the Commissioner under clause (*e*), (*f*), (*g*) or (*h*) of [4][sub-section (*2*) of] section 115, he shall forthwith communicate the circumstances to the standing committee, who shall take such action under [4][sub-section (*2*) of] section 133 or recommend the corporation to take, under section 131 [4][or under sub-section (*1*) of section 133] such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

---

[1] This portion was substituted for the original by Bom. 48 of 1948, s. 22.

[2] This was substituted for clause (*b*) by Bom. 5 of 1938, s. 15.

[3] The words "and the municipal secretary" were omitted by Bom. 32 of 1935, s. 8.

[4] This portion was inserted by Bom. 5 of 1938, s. 16.

Purpose for which the municipal fund is to be applied.

118. The moneys from time to time credited to the municipal fund shall be applied in payment of all sums, charges and costs necessary for the purposes specified in sections 61, 62, [1][62D], [2][62E] and 63, or for otherwise carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act, inclusive of—

(*a*) the expenses of every ward-election [3]* * * held under this Act;

[4][(*b*) sums payable to the Bombay Electric Supply and Transport Fund in repayment of amounts disbursed therefrom for any of the purposes of this Act other than for the purpose of the Bombay Electric Supply and Transport Undertaking and including the expenses of, or reasonable charges for, all supplies provided and services rendered for any such purpose by the General Manager at the charge of the Bombay Electric Supply and Transport Fund;]

(*c*) the salaries, [5][joining time allowances] and other allowances of the Commissioner and of any Deputy Commissioner appointed under this Act [6][and of any officer whose services may, at the request of the corporation, be placed by [7][the [8][State Government] at their disposal];]

(*d*) the salaries and other allowances of all municipal officers and servants and all [9][contributions to provident funds,] pensions, gratuities and compassionate allowances payable under the provisions of this Act or of any schedule or regulations framed under this Act and at the time in force;

[10][(*dd*) the fees and costs payable to the Commission in connection with consultation relating to any appointment to any post in any department of the Municipal administration;]

(*e*) all expenses and costs incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation;

[11][(*ee*) the loans advanced in accordance with the provisions of section 354W [12], 354WA or 354WB];

(*f*) every sum payable—

(*i*) under [13][sub-section (*1*) of section 110F], [14][section 513A, and] sub-section (*1*) of section 520 to [7][the [8][State] Government];

(*ii*) under a decree or order of a civil or criminal court passed against the corporation or against the Commissioner or a Deputy Commissioner *ex-officio;*

(*iii*) under a compromise of any suit or other legal proceeding or claim effected under section 517.

Municipal fund where to be expended.

[15][**118A.** Expenditure by the corporation out of the municipal fund shall, save as otherwise provided by this Act, be made within [16][Greater Bombay] only, but may by a resolution of the corporation supported by at least [17][half the total number of] councillors, be made outside the city for any of the purposes of this Act.]

---

[1] The figures and letter "62D" were inserted by Bom. 3 of 1907, s. 17.

[2] The figures and letter "62E" were inserted by Bom. 12 of 1925, s. 3.

[3] The words "and of every justices' election" were omitted by Bom. 32 of 1935, s. 9.

[4] Clause (*b*) was inserted by Bom. 48 of 1948, s. 23.

[5] These words were inserted by Bom. 5 of 1905, s. 8(*a*).

[6] These words were added, *ibid*, s. (*b*).

[7] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[8] This was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[9] These words were added by Bom. 6 of 1922, s. 30.

[10] Clause (*dd*) was inserted by Bom. 48 of 1950, s. 53.

[11] The new clause (*ee*) was inserted by Bom.13 of 1933, s. 29(*i*)

[12] These figures, letters and word were inserted by Bom.34 of 1954, s. 5.

[13] These words, figures, letter and brackets were inserted by Bom. 13 of 1933, s. 20(*ii*).

[14] These words, figures and letter were inserted by Bom.10 of 1930, s. 3.

[15] New section 118A was inserted by Bom. 10 of 1928, s. 11.

[16] These words were substituted for the words "the city" by Bom.7 of 1950, s. 6(*i*).

[17] These words were substituted for the words "fifty-four", *ibid*, s. 13.

Temporary payments from the municipal fund for works urgently required for public service.

119. (*1*) On the written requisition of a Secretary to [1][the [2][State] Government], the Commissioner may at any time undertake the execution of any work certified by such Secretary to be urgently required in the public service, and for this purpose may temporarily make payments from the municipal fund, so far as the same can be made without unduly interfering with the regular working of the municipal administration. The cost of all work so executed and of the establishment engaged in executing the same shall be paid by the [1][the [2][State] Government] and credited to the municipal fund.

(*2*) On receipt of any requisition under sub-section (*1*), the Commissioner shall forthwith forward a copy thereof to the corporation, together with a report of the steps taken by him in pursuance of the same.

[3]* * * * *

[4]* * * *Special Funds.*

Constitution of Fines Fund.

[5][**120.** Fines collected under section 83 shall be credited to a separate fund to be called "the Fines Fund" the proceeds of which shall be expended in promoting the well-being of municipal officers and servants other than those appointed under the provisions of Chapter XVI-A of this Act, and for the payment of compassionate allowances to the widows of such officers and servants who die while in municipal service and to such other relations of the officers and servants as the corporation may from time to time determine.]

Constitution of Welfare Fund.

[5][**120A.** Amounts transferred to the municipal fund under the provisions of clause (*c*) of sub-section (*1*) of section 460 LL shall be credited to a special fund to be called "the Welfare Fund" and shall be expended in providing such benefits and amenities to municipal officers and servants, including those appointed under the provisions of Chapter XVI-A of this Act, and to such members of their families and their dependants as the corporation may from time to time determine.]

Special funds may be created with the approval of the corporation.

121. With the [6][previous] approval of the corporation, any [4]* * * portion of the municipal fund may, [4]* * from time to time, be credited to a separate heading in the municipal accounts, provided that there shall be credited and debited to such special heading such sums only as shall expressly relate to the objects for which a special fund is so created.

Disposal of Balances.

Investment of surplus money.

[7][**122.** (*1*) Surplus moneys at the credit of the municipal fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder may be, from time to time, deposited at interest in the [8]Bank of Bombay or be invested in public securities.

(*2*) All such surplus moneys which it is necessary to keep readily available for application to such purposes, and all such surplus moneys which cannot in the opinion of the Municipal Commissioner, concurred in by the standing committee, be favourably deposited or invested as aforesaid, may be deposited at interest at any bank or banks in the City of Bombay which the standing committee may, subject to the control of the corporation, from time to time, select for the purpose.

---

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] The heading "School-fund and section 120" were repealed by Bom. 3 of 1907, s. 18.

[4] Portions repealed by Bom. 3 of 1907, s. 19, are omitted.

[5] Sections 120 and 120A were added by Bom. 48 of 1948, s. 24.

[6] The word "previous" was inserted by Bom. 19 of 1930, s. 9.

[7] This section was substituted for the original section 122 by Bom. 1 of 1894, s. 5.

[8] The reference to the Bank of Bombay should be read as referring to the Reserve Bank of India, Bombay.

(*3*) All such deposits and investments shall be made by the Commissioner on behalf of the corporation, with the sanction of the standing committee, and, with the like sanction, the Commissioner may at any time withdraw any deposit so made or dispose of any securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the disposal of such securities; but no order for making any deposit or investment, withdrawal or disposal under this section shall have any validity unless the same be in writing, signed by [1][three persons in the manner specified in sub-section (*1*) of section 113, for signing of cheques].

(*4*) The loss, if any, arising from any such deposit or investment shall be debited to the municipal fund.]

Accounts.

Accounts to be kept in forms prescribed by standing committee.

123. [2][Subject to the provisions of Chapter XVI-A of this Act] accounts of the receipts and expenditure of the corporation shall be kept in such manner and in such forms as the standing committee shall from time to time prescribe.

Separate *pro forma* accounts to be kept by the Commissioner.

[3][**123A.** (*1*) There shall be kept by the Commissioner under a separate heading in the municipal accounts, accounts of all the property vested or vesting in the corporation and of all receipts and expenditure of the corporation on account of the transfer to them of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925, [4][and of all property acquired by, and of all receipts and expenditure of, the Corporation for any of the purposes of Chapter XII-A.]

Bom. XVI of 1925.

(*2*) Such accounts shall be maintained so far as may be, in such manner and in such forms as the standing committee shall from time to time prescribe in accordance with the rules contained in Schedule BB.

(*3*) The Commissioner shall publish such accounts in the [5][*Official Gazette*] every [6]*year.]

Separate *pro forma* accounts in respect of the suburbs to be kept.

[7][**123B.** (*1*) There shall be kept by the Commissioner under a separate heading in the municipal accounts in such manner and in such forms as the standing committee shall from time to time prescribe, accounts of all the property vested or vesting in the corporation and all receipts and expenditure of the corporation on account of the municipal Government of the suburbs.

(*2*) For the purposes of sub-section (*1*), the receipts of the corporation on account of property taxes collected in respect of buildings and lands situated in the suburbs and on account of the tax on vehicles and animals collected in respect of vehicles and animals ordinarily kept in the suburbs and such portion of the receipt of the corporation on account of every other municipal tax as the corporation may, from time to time, prescribe for each tax shall be deemed to be receipts of the corporation on account of the municipal Government of the suburbs.

(*3*) For the purposes of sub-section (*1*), such expenditure of the corporation as is incurred exclusively on account of the municipal Government of the suburbs *plus* such portion of the other common expenditure incurred on account of the municipal government of the city and the suburbs as the corporation may from time to time prescribe, shall be the expenditure of the corporation on account of the municipal government of the suburbs.]

---

[1] These words were substituted for the words "the Commissioner and one member of the standing committee and municipal secretary" by Bom. 32 of 1935, s. 10.

[2] This portion was inserted by Bom. 48 of 1948, s. 25.

[3] New section 123A was inserted by Bom. 13 of 1933, s. 30.

[4] These words were added by Bom. 34 of 1954, s. 6.

[5] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[6] The word "half" was omitted by Bom. 5 of 1938, s. 17.

[7] Section 123B was inserted by Bom. 7 of 1950, s. 14.

Accounts in respect of primary education.

[1][**123C.** (*1*) There shall be kept by the Commissioner under a separate heading in the municipal accounts, accounts of all receipts and expenditure of the corporation for, or in connection with, the purposes of clause (*q*) of section 61.

(*2*) Such accounts shall be maintained so far as may be, in such manner and in such forms as the Education Committee shall from time to time [prescribe in accordance with the rules contained in Schedule BBA.]

Preparation of annual administration report and statement of accounts.

124. (*1*) The Commissioner shall, as soon as may be after each first day of April, have prepared a detailed report of the municipal administration of [2][Greater Bombay] [3][other than the administration of the Bombay Electric Supply and Transport Undertaking] during the previous official year, together with a statement showing the amounts of the receipts and disbursement respectively credited and debited to the municipal fund during the said year and the balance at the credit of the fund at the close of the said year.

(*2*) The Commissioner shall incorporate with his said report and statement—

(*a*) a report for the same period from each head of a department subordinate to him;

(*b*) the account of balances due on loans then last published under section 105;

and shall cause the same to be printed.

(*3*) After examination and review of the said printed report and statement by the standing committee, there shall be added to the compilation printed copies of such of the appendices attached to the reports of the several heads of departments, if any, as the standing committee direct and a printed copy of the standing committee's review; and a copy of the complete compilation shall be forwarded to the usual or last known local place of abode of each councillor at least eight days previous to the ordinary meeting of the corporation in the next following month of October, and copies thereof shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as the Commissioner, with the [4][previous] approval of the standing committee, shall determine.

Annual Budget Estimate.

Estimates of expenditure and income to be prepared annually by the Commissioner.

[5][**125.** The Commissioner shall, on or before each tenth day of November, have prepared and lay before the standing committee, in such form as the said committee shall from time to time approve:—

(*1*) (*a*) an estimate of the expenditure which must or should, in his opinion, be incurred by the corporation in the next ensuing official year, other than

[6][(*i*) expenditure to be incurred for the municipal government of the suburbs;

(*ii*) expenditure to be incurred by reason of the obligations imposed on the corporation arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 [7][or for any of the purposes of Chapter XII-A], and

Bom. XVI of 1925.

---

[1] Section 123C was inserted by Bom. 48 of 1950, s. 54.

[2] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

[3] These words were inserted by Bom. 48 of 1948, s. 26.

[4] The word "previous" was inserted by Bom. 19 of 1930, s. 9.

[5] Section 125 was substituted for the original section by Bom. 13 of 1933, s. 31.

[6] These sub-clauses were substituted for the original words by Bom. 7 of 1950, s. 15 (*1*) (*a*).

[7] These words were inserted by Bom. 34 of 1954, s. 7 (*1*).

(iii) expenditure to be incurred on account of the Bombay Electric Supply and Transport Undertaking];

[1][*(iv)* expenditure to be incurred for the purposes of clause *(q)* of section 61;]

(b) an estimate of all balances, if any (other than balances shown in the [2][accounts maintained under sections [3][123A, 123B and 123C)] which will be available for re-appropriation or expenditure at the commencement of the next ensuing official year;

(c) an estimate of the corporation's receipts and income for the next ensuing official year other than from taxation [4][and from the Bombay Electric Supply and Transport Undertaking] and other than that referred to [5][in clause *(c)* of sub-section *(1A)* and] in clause *(c)* of sub-section *(2)* [6][and in clause *(d)* of section 126C];

[7][*(cc)* an estimate of the amounts due to be transferred during the next ensuing official year to the municipal fund under the provisions of sections 460KK and 460LL;]

(d) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the next ensuing official year;

[8][*(1A)* *(a)* an estimate of the expenditure which must or should, in his opinion, be incurred by the corporation in the next ensuing official year for the municipal government of the suburbs;

(b) an estimate of all balances, if any, in the account maintained under section 123B which will be available for re-appropriation or expenditure at the commencement of the next ensuing official year;

(c) an estimate of the corporation's receipts and income for the next ensuing official year on account of the municipal government of the suburbs;

(d) an estimate of the amount, if any, which in his opinion should be utilised by the corporation out of its receipts and income referred to in sub-section *(1)* for the municipal government of the suburbs;

(e) an estimate of the amount which, in his opinion, will be realised in the suburbs from the imposition of taxation in accordance with the proposals referred to in clause *(d)* of sub-section *(1)*;].

---

[1] Sub-clause *(iv)* was inserted by Bom. 48 of 1950, s. 55 *(1)*.

[2] This portion was substituted for the portion "account maintained under section 123A", by Bom. 7 of 1950, s. 15 *(1)* *(b)*.

[3] These figures, word and letters were substituted for the figures, word and letters "123A and 123B" by Bom. 48 of 1950, s. 55 *(2)*.

[4] These words were inserted by Bom. 48 of 1948, s. 27.

[5] This portion was inserted by Bom. 7 of 1950, s. 15 *(1)* *(c)*.

[6] This portion was inserted by Bom. 48 of 1950, s. 55 *(3)*.

[7] This clause was inserted by Bom. 48 of 1948, s. 27.

[8] Sub-section *(1A)* was inserted by Bom. 7 of 1950, s. 15 *(2)*.

(2) (*a*) an estimate of the expenditure which must or should, in his opinion, be incurred by the corporation in the next ensuing official year by reason of the obligations imposed upon the corporation arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 [1][or for any of the purposes of Chapter XII-A];

Bom. XVI of 1925.

(*b*) an estimate of all balances, if any, in the account maintained under section 122A, which will be available for reappropriation or expenditure at the commencement of the next ensuing official year;

(*c*) an estimate of the corporation's receipts and income for the next ensuing official year—

(*i*) arising from sales, leases and other dispositions of immovable property vesting in the corporation by reason of the enactment of the City of Bombay Municipal (Amendment), Act, 1933 [2][or acquired by the Corporation for any of the purposes of Chapter XII-A], and

(*ii*) being payments of interest on and repayments in whole or part of the capital of loans granted by the corporation and secured on the aforesaid immovable property;

(*d*) an estimate of three times the amount of the net estimated realisations of the corporation in the then current financial year under the head of general tax (including arrears and payments in advance) divided by the rate fixed for general tax for the then current financial year;

[3][Provided that as respects the estimates for the [4][seventeen] financial years commencing from the financial year 1942-43, this sub-clause shall have effect as if for the words "three times" this word "twice" were substituted.]

[5][(*e*) an estimate of the Corporation's receipt and income, other than receipts and income referred to in other clauses of this sub-section arising from or relating to, transaction connected with the obligations imposed upon the Corporation by the transfer to the Corporation of the powers, duties, assets and liabilities of the said Board of Trustees or with the exercise of the powers and duties conferred or imposed upon the Corporation by Chapter XII-A including grants from the State Government].

Classification of budget heads.

[6][**125A.** The expenditure side of a budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units.

(*a*) "Major head" means the principal head of accounts corresponding to the different services under which expenditure is classified in the budget estimate, and may be divided into two or more minor heads.

(*b*) "Minor head" means the head of accounts immediately subordinate to a major head under which each major head is classified, and may be further subdivided into two or more subordinate heads.

---

[1] These words were inserted by Bom. 34 of 1954, s. 7 (2) (*a*).

[2] These words were inserted, *ibid*, s. 7 (2) (*b*).

[3] This proviso was added by Bom. 3 of 1948, s. 3.

[4] This word was substituted for the word "twelve" by Bom. 6 of 1954, s. 2.

[5] Sub-clause (*e*) was substituted for the original by Bom. 34 of 1954, s. 7 (2)(*c*).

[6] This section was inserted by Bom. 5 of 1938. s. 18.

(*c*) "Subordinate head" means the head of accounts immediately subordinate to a minor head under which each minor head is classified and may be further subdivided into two or more primary units.

(*d*) "primary unit" means the ultimate group or groups into which individual items of expenditure in the budget estimates are arranged.]

Budget estimates to be prepared by the standing committee.

[1][**126.** (*1*) The standing committee shall, on or as soon as may be after each tenth day of November, consider the estimates and proposals of the Commissioner and after having obtained from the Commissioner such further detailed information, if any, as they shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom subject to such modifications and additions therein or thereto as they shall think fit, [2][three budget estimates] as follows :—

[3][(*a*) Budget Estimate "A"—of the income and expenditure other than—

(*i*) income and expenditure to be received or incurred on account of the municipal government of the suburbs ;

(*ii*) income and expenditure to be received or incurred by reason of the transfer to the corporation of the powers, duties, assests and liabilities of the Boards of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 [, or for any of the other purposes of Chapter XX-A] ; [5]* Bom. XVI of 1925.

(*iii*) income and expenditure in respect of the Bombay Electric Supply and Transport undertaking] ;

[6][(*iv*) income and expenditure for, or in connection with, the purposes of clause (*q*) of section 61] ;

(*b*) Budget Estimate "B"—of the income and expenditure of the corporation for the next official year to be received and incurred by reason of the transfer to the corporation of the said powers, duties, assets and liabilities [7][, or for any of the other purposes of Chapter XII-A].

[8][(*b1*) Budget Estimate "D"—of the income and expenditure of the corporation on account of the municipal government of the suburbs];

(*2*) In budget estimate "A" the standing committee shall—

(*a*) propose with reference to the provisions of Chapter VIII, the levy of municipal taxes at such rates and, in the case of town duties on such articles as they shall think fit ;

---

[1] Section 126 was substituted for the original section by Bom. 13 of 1933, s. 32.

[2] These words were substituted for the words "two budget estimates" by Bom. 7 of 1950, s. 16 (*1*) (*a*).

[3] Clause (*a*) was substituted for the original, *ibid.* s. 16 (*1*) (*b*).

[4] These words were inserted by Bom. 34 of 1954, s. 8 (*1*).

[5] The word "and" was deleted by Bom. 48 of 1950, s. 56 (*1*).

[6] Paragraph (*iv*) was inserted, *ibid.*

[7] These words were inserted by Bom. 34 of 1954, s. 8 (*2*).

[8] Clause (*b1*) was inserted by Bom. 7 of 1950, s. 16 (*1*) (*e*).

(*b*) provide for the payment, as they fall due, of all sums and of all instalments of principal and interest for which the corporation may be liable under this Act other than sums and instalments as aforesaid (*i*) for which the corporation but for the enactment of the City of Bombay Municipal (Amendment) Act, 1933, would not have been liable and (*ii*) for which the corporation may be liable, in carrying out the duties imposed upon them by clause (*r*) of section 61 [1][and (*iii*) for which the corporation may be liable by reason of the acquisition, extension, administration, operation and maintenance of the Bombay Electric Supply and Transport Undertaking;] [2][(*iv*) for which the corporation may be liable on account of the municipal government of the suburbs;] [3][(*v*) for which the corporation may be liable by reason of the construction of school buildings ;]

Bom. XIII of 1933.

(*c*) allow for an appropriation to budget estimate " B" of the sum estimated, revised as they shall think proper, under clause (*d*) of sub-section (*2*) of section 125 ;

[4][(*c1*) provide for the appropriation to budget estimate "D" of the amount, if any, estimated by the Commissioner for utilisation for the municipal government of the suburbs, revised as they think proper] ;

[5][(*c2*) allow for appropriation to Budget Estimate " E " of the sum estimated revised as they shall think proper, under clause (*c*) of section 126C ;]

(*d*) allow for a cash balance at the end of the said year of not less than one lakh of rupees.

(*3*) In budget estimate "B" the standing committee shall, if necessary, make proposals to meet any deficit in such budget estimate by borrowing.

Provided that the standing committee shall not make any proposal to borrow for that purpose a sum of more than twenty lakhs of rupees.

[6][(*3A*) In Budget Estimate " D " the standing committee shall—

(*a*) provide for the payment as they fall due, of all sums and of all instalments of principal and interest for which the corporation may be liable under this Act on account of the municipal government of the suburbs ;

(*b*) allow for the appropriation to any special fund maintained under section 121 of the sum estimated by the Commissioner, revised as they think proper ;

(*c*) provide for such expenditure, if any, as they consider it necessary to defray from the balance of any special fund maintained under section 121;

(*d*) allow for a cash balance at the end of the said year exclusive of the balance, if any, in any special fund maintained under section 121, of not less than one lakh of rupees.]

---

[1] This portion was added by Bom. 48 of 1948, s. 28.
[2] This portion was added by Bom. 7 of 1950, s. 16 (2)(*a*).
[3] This portion was added by Bom. 48 of 1950, s. 56 (2).
[4] Clause (*c1*) was inserted by Bom. 7 of 1950, s. 16 (2)(*b*).
[5] Clause (*c2*) was inserted by Bom. 48 of 1950, s. 56 (2).
[6] Sub-section (*3A*) was inserted by Bom. 7 of 1950, s. 16 (*3*).

(*4*) The Commissioner shall cause the budget estimates, as finally approved by the standing committee, to be printed and shall, not later than the fifteenth day of December, forward a printed copy thereof to the usual or last known local place of abode of each councillor.

Estimates of expenditure and income of the Bombay Electric Supply and Transport Undertaking to be prepared annually by General Manager.

[1][**126A.** The General Manager shall, on or before each tenth day of October, have prepared and lay before the Bombay Electric Supply and Transport Committee, in such form as the Committee shall from time to time approve—

(*a*) an estimate, classified in accordance with section 125A, of the expenditure which must or should, in his opinion, be incurred by the corporation in the next ensuing official year on account of the Bombay Electric Supply and Transport Undertaking;

(*b*) an estimate of all balances, if any, which will be available for re-appropriation or expenditure at the commencement of the next ensuing official year, and an estimate of the amounts to be transferred to the municipal fund during the next ensuing financial year under sections 460KK and 460LL; and

(*c*) an estimate of the corporation's receipts and income from the Bombay Electric Supply and Transport Undertaking for the next ensuing official year.]

Budget estimate C to be prepared by Bombay Electric Supply and Transport Committee.

[1][**126B.** (*1*) The Bombay Electric Supply and Transport Committee shall, on or as soon as may be after each tenth day of October, consider the estimates of the General Manager and, after having obtained from the General Manager such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate, to be called 'budget estimate "C",' of the income and expenditure for the next official year to be received and incurred in respect of the Bombay Electric Supply and Transport Undertaking.

(*2*) In budget estimate 'C' the committee shall—

(*a*) provide for the payment, as they fall due, of all sums and of all instalments of principal and interest for which the corporation may be liable under this Act by reason of the acquisition, extension, administration, operation and maintenance of the Bombay Electric Supply and Transport Undertaking;

(*b*) allow for the amounts to be transferred during the next ensuing official year to the municipal fund as provided in sections 460KK and 460LL; and

(*c*) allow for a cash balance at the end of the said year of not less than one lakh of rupees.

(*3*) The General Manager shall lay budget estimate 'C' as framed by the Bombay Electric Supply and Transport Committee before the standing committee on or before each first day of December and the standing committee shall prepare a report to the corporation thereon, incorporating the remarks and recommendations, if any, of the standing committee.

(*4*) The Municipal Secretary shall cause budget estimate 'C' and the report of the standing committee thereon to be printed and shall, not later than the 31st day of December, forward a printed copy thereof to the usual or last known local place of abode of each councillor.]

---

[1] Sections 126A and 126B were inserted by Bom. 48 of 1948, s. 29.

Estimates of expenditure and receipts of primary education.

[1][**126C.** The Commissioner shall on or before each 10th day of November have prepared and lay before the Education Committee in such form as the Committee shall from time to time approve—

(*a*) an estimate, classified in accordance with section 125A of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next official year for the purposes of clause (*q*) of section 61.

(*b*) an estimate of all balances, if any, which will be available for re-appropriation of expenditure for the purposes of clause (*q*) of section 61 at the commencement of the next official year.

(*c*) an estimate of five times the amount of the net estimated realisations of the Corporation in the then current financial year under the head of general tax (including arrears and payments in advance) divided by the rate fixed for general tax for the then current financial year,

(*d*) an estimate of the receipts of the Corporation for or in connection with the purposes of clause (*q*) of section 61 other than those referred to in the preceding clause.

Budget estimate E to be prepared by Education Committee.

126D. (*1*) The Education Committee shall on or as soon as may be after each 10th day of November consider the estimates of the Commissioner and after having obtained from the Commissioner such further information if any as they shall think fit to require and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as they think fit, a budget estimate to be called budget estimate 'E' of the income and expenditure to be received and incurred for purposes of clause (*q*) of section 61.

(*2*) In budget estimate E, the Education Committee shall—

(*a*) provide for payment as they fall due of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act by reason of the construction of school buildings, and,

(*b*) allow for a cash balance at the end of the said year of not less than twenty thousand rupees.

(*3*) The Education Committee shall forward the budget estimate 'E' as framed by them to the standing committee on or before each fifteenth day of December, and the standing committee shall prepare a report to the Corporation thereon incorporating the remarks and recommendations, if any, of the standing committee.

(*4*) The Municipal Secretary shall forward a printed copy of budget estimate 'E' together with the report of the standing committee thereon to the usual or last known local place of abode of each councillor in time for the meeting of the Corporation mentioned in section 127.]

Consideration of budget estimates by corporation.

127. At a meeting of the corporation which shall be called for some day in January, not later than the tenth, the [2][budget-estimates] [3][A, B and D] prepared by the standing committee [4][and budget-estimate 'C' prepared by the Bombay Electric Supply and Transport Committee with the report of the standing committee thereon [5][as also the budget-estimate 'E' prepared by the Education Committee with the report of the standing Committee thereon]] shall be laid before the corporation and they shall proceed to consider the same.

---

[1] Sections 126C and 126D were inserted by Bom. 48 of 1950, s. 57.

[2] These words were substituted for the original by Bom. 13 of 1933, s. 33.

[3] The letters and word "A, B and D" were substituted for the letters and word "A and B" by Bom. 7 of 1959, s. 17.

[4] These words were inserted by Bom. 48 of 1948, s. 30.

[5] This portion was inserted by Bom. 48 of 1950, s. 58.

Fixing rates of taxes.

128. (*1*) The corporation shall, on or before the thirty-first day of January after considering the standing committee's proposals in this behalf, determine, subject to the limitations and conditions prescribed in Chapter VIII, the rates at which municipal taxes shall be levied and the articles on which town-duties shall be levied in the next ensuing official year.

(*2*) Except under sections 134 and 196, the rate so fixed and the article so appointed shall not be subsequently altered for the year for which they have been fixed.

Final adoption of budget estimates.

[1][**129.** Subject to the requirements of sub-section (*1*) of section 128 the corporation may refer budget-estimate 'A' or [2][budget B or budget estimate D or any or all of the said estimates] back to the standing committee and budget-estimate 'C' back to the Bombay Electric Supply and Transport Committee [3][and the budget-estimate 'E' back to Education Committee] for further consideration, or adopt the budget estimates or any revised budget estimates submitted to them as they stand or subject to such alteration as they deem expedient:

Provided that the budget estimates finally adopted by the corporation shall fully provide for each of the matters specified in clauses (*b*), (*c*) and (*d*) of sub-section (*2*) [4][and clauses (*a*) and (*b*) of sub-section (*3A*)] of section 126 and for each of the matters specified in sub-section (*3*) of section 126B [5][and clauses (*a*) and (*b*) of sub-section (*2*) of section 126D] as the case may be.]

Budget-grant defined.

[6][**130.** The total sum entered under a major head on the expenditure side, which has been adopted by the corporation shall be termed a "budget-grant".]

Corporation may increase amount of budget grants and make additional grants.

131. [7][(*1*) On the recommendation of the standing committee in the case of expenditure from the municipal fund [8][for purposes other than clause (*q*) of section 61 and of the Education Committee in the case of expenditure for purposes of clause (*q*) of section 61]; and of the Bombay Electric Supply and Transport Committee in the case of expenditure from the Bombay Electric Supply and Transport Fund, the corporation may from time to time during an official year increase the amount of any budget grant, or make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash balance at the close of the year shall be reduced below one lakh of rupees in the case of either the municipal fund or the Bombay Electric Supply and Transport Fund :]

[9][Provided that a reduction of the estimated cash balance below one lakh of rupees in the case of either budget estimate 'A' or budget estimate 'D' shall be deemed to be a reduction of the estimated cash balance below one lakh of rupees in the case of the municipal fund.

[10][Provided further that in the case of expenditure from municipal fund for purposes of clause (*q*) of section 61, the estimated cash balance at the close of the year in the budget estimate 'E' shall not be reduced below twenty thousand rupees.]

---

[1] This section was substituted for the original, by Bom. 48 of 1948 s. 31.
[2] These words and letters were substituted for the words and letters "budget, estimate 'B' or both" by Bom. 7 of 1950, s. 18 (*i*).
[3] This portion was inserted by Bom. 48 of 1950, s. 59 (*1*).
[4] These words, letters, brackets and figure were inserted by Bom. 7 of 1950, s. 18 (*ii*).
[5] This portion was inserted by Bom. 48 of 1950, s. 59 (*2*).
[6] This section was substituted for the original by Bom. 5 of 1938, s. 19.
[7] This sub-section was substituted for the original by Bom. 48 of 1948 s. 32.
[8] This portion was inserted by Bom. 48 of 1950, s. 60 (*1*).
[9] This proviso was added by Bom. 7 of 1950, s. 19.
[10] This proviso was added by Bom. 48 of 1950, s. 60 (*2*).

(*2*) Such increased or additional budget grants shall be deemed to be included in the [1][budget-estimates] adopted by the corporation for the year in which they are made.

Rules as to unexpended budget-grants.

132. [2][If the whole budget grant or any portion thereof] remains unexpended at the close of the year in the [1][budget-estimates] for which such grant was included, and if the amount thereof has not been taken into account in the opening balance of the municipal fund [3][or the Bombay Electric Supply and Transport Fund, as the case may be], entered in the [1][budget-estimates] of [4][any of the next two following years], the standing committee [5][or the Education Committee] [3][or the Bombay Electric Supply and Transport Committee, as the case may be], may sanction the [2][expenditure of such budget grant or such unexpended portion thereof, as the case may be, during the next two following years] for the completion, according to the original intention or sanction, of the purpose or object for which the budget grant was made, but not upon any other purpose or object.

Reductions or transfer.

[6][**133.** (*1*) Subject to the provisions of sub-section (*1*) of section 131, the corporation may on the recommendation of the standing committee from time to time during an official year sanction the transfer of any amount from one budget grant to another.

(*2*) The standing committee may at any time during an official year—

(*a*) reduce the amount of a budget grant;

(*b*) sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head; or

(*c*) sanction the transfer of any amount exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another.

(*3*) The Commissioner may, at any time during an official year, sanction the transfer of any amount not exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another, if such transfer does not involve a recurring liability.

Provided that every transfer of an amount exceeding rupees five hundred made under sub-section (*3*) shall be reported forthwith by the Commissioner to the standing committee and that the said committee may pass with regard thereto such order as they may think fit; and it shall be incumbent on the Commissioner to give effect to such order.

(*4*) When making any transfer under sub-sections (*1*), (*2*) and (*3*), due regard shall be had to all the requirements of this Act.

(*5*) If any such reduction as is referred to in clause (*a*) of sub-section (*2*) is of an amount exceeding five hundred rupees, the corporation may pass with regard thereto such order as they may think fit, and it shall be incumbent on the standing committee and the Commissioner to give effect to such order.

[7][(*6*) For the purpose of expenditure from the Bombay Electric Supply and Transport Fund, the provisions of this section shall apply as if for the words

---

[1] The words " budget-estimates " were substituted for the original by Bom. 13 of 1933, s. 33.
[2] These words were substituted for the original by Bom. 76 of 1948, s. 17.
[3] These words were inserted by Bom. 48 of 1948, s. 33.
[4] These words were substituted for the original by Bom. 76 of 1948, s. 17.
[5] These words were inserted by Bom. 48 of 1950, s. 61.
[6] This section was substituted for the original by Bom. 5 of 1938, s. 20.
[7] This sub-section was added by Bom. 48 of 1948, s. 34.

"standing committee" the words "Bombay Electric Supply and Transport Committee" and for the word "Commissioner" the words "General Manager" had been substituted.]

[1][(*7*) In the case of expenditure for the purposes of clause (*q*) of section 61, the provisions of this section shall apply as if for the words "standing committee" the words "Education Committee" has been substituted.

Re-adjustment of income and expenditure to be made by the corporation during course of official year whenever necessary.

[2][**134.** (*1*) If it shall at any time during any official year appear to the corporation, upon the representation of the standing committee or the Bombay Electric Supply and Transport Committee that, notwithstanding any reduction of budget grants that may have been made by the appropriate committee under section 133, the income of the municipal fund or the Bombay Electric Supply and Transport Fund, as the case may be, during the said year will not suffice to meet the expenditure sanctioned in the budget estimates of the said year as so reduced and to leave at the close of the year a cash balance of not less than one lakh of rupees in the case of either the municipal fund or the Bombay Electric Supply and Transport Fund, it shall be incumbent on the corporation to sanction forthwith any measure which shall be necessary for proportioning the year's income to the expenditure :

[3][Provided that the limit of one lakh of rupees for the cash balance referred to in this sub-section shall apply to the cash balance in the account maintained under section 123B as well as to the cash balance in the general account of the municipal fund excluding the cash balance in the account maintained under the said section.]

(*2*) For this purpose the corporation may diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to the provisions of this Act or to the obligations pertaining to the Bombay Electric Supply and Transport Undertaking, or have recourse to supplementary taxation or a revision of fares and charges levied in respect of the Bombay Electric Supply and Transport Undertaking, as the case may be.]

Scrutiny and Audit of Accounts.

Weekly scrutiny of accounts by municipal chief auditor and scrutiny of account by the standing committee.

[4][**135.** (*1*) The municipal chief auditor shall conduct a weekly examination and audit of the municipal accounts and shall report thereon to the standing committee who shall publish weekly an abstract of the receipts and expenditure of the week last preceding, signed by not less than two members of the said committee and by the municipal chief auditor. The standing committee may also from time to time and for such period as they think fit conduct indepdently an examination and audit of the municipal accounts.

(*2*) For these purposes the standing committee and the municipal chief auditor shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Commissioner shall forthwith furnish to the standing committee or the municipal chief auditor any explanation concerning receipts and disbursements which they may call for.]

Duties and powers of the municipal chief auditor.

[4][**136.** The municipal chief auditor in addition to any other duties or powers imposed or conferred upon him under this Act shall perform the duties and may exercise the powers specified in Schedule EE.]

Report by the municipal chief auditor

[4][**137.** (*1*) The municipal chief auditor shall—

(*a*) report to the standing committee any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the corporation or in the municipal accounts ;

---

[1] Sub-section (*7*) was added by Bom. 48 of 1950, s. 62.

[2] This section was substituted for the original by Bom. 48 of 1948, s. 35.

[3] This proviso was added by Bom. 7 of 1950, s. 20.

[4] Sections 135, 136 and 137 were substituted for the original by Bom. 2 of 1938, s. 7.

(*b*) furnish to the standing committee such information as the said committee shall from time to time require concerning the progress of the audit.

(*2*) The standing committee shall cause to be laid before the corporation every report made by the municipal chief auditor to the standing committee and every statement of the views of the municipal chief auditor on any matter affecting the pursuance and exercise of the duties and powers assigned to him under this Act which the municipal chief auditor may require the standing committee to place before the corporation, together with a report stating what orders have been passed by the standing committee upon such report or statement, and the corporation may take such action in regard to the matters aforesaid as the corporation may deem necessary.

(*3*) As soon as may be after the commencement of each official year the municipal chief auditor shall deliver to the standing committee a report upon the whole of the municipal accounts for the previous official year.

(*4*) The Commissioner shall cause the said report to be printed and forward a printed copy thereof along with the printed copy of the Administration Report and Statement of Accounts which he is required by sub-section (*3*) of section 124 to forward to each councillor.]

Application of sections 135, 136 and 137 to accounts of the Bombay Electric Supply and Transport Fund.

[1][**137A.** Sections 135, 136 and 137 shall apply to the accounts of the Bombay Electric Supply and Transport Fund as if-

(*i*) for the words 'standing committee' wherever they occur the words 'Bombay Electric Supply and Transport Committee' and for the word 'Commissioner' wherever it occurs the words 'General Manager' had been substituted; and

(*ii*) for the words, brackets and figures 'sub-section (*3*) of section 124' in sub-section (*4*) of section 137, the words, brackets, figures and letters 'sub-section (*2*) of section 460 NN' had been substituted.]

A special audit may be directed by [3][State] Government.

138. [2][(*1*) The [3][State] Government may at any time appoint an auditor for the purpose of making a special audit of the municipal accounts, including the accounts of the Bombay Electric Supply and Transport Understanding, and of reporting thereon to the [3][State] Government and the costs of any such audit as determined by the [3][State] Government shall be chargeable to the municipal fund or to the Bombay Electric Supply and Transport Fund, as the case may be.]

(*2*) An auditor so appointed may exercise any power which [4][the municipal chief auditor] may exercise.

CHAPTER VIII.

MUNICIPAL TAXATION.

Municipal Taxes defined.

Taxes to be imposed under this Act.

139. For the purposes of this Act, taxations shall be imposed as follows, namely :—

(*1*) property taxes;

(*2*) a tax on vehicles and animals;

[5][(*3*) a theatre tax]

[6]* * *; and

(*4*) town-duties.

---

[1] This section was inserted by Bom. 48 of 1948, s. 36.

[2] This sub-section was substituted for the original, *ibid*, s. 37.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] These words were substituted for the words "an auditor appointed by the Corporation" by Bom. 2 of 1938, s. 8.

[5] This entry was inserted by Bom. 48 of 1950, s. 63.

[6] The figure and words repealed by Bom. 7 of 1921, s. 4, are omitted and the repeal shall have effect from 1st April 1920.

Property-taxes.

Property-taxes leviable.

Property taxes of what to consist and at what rate leviable.

140. The following taxes shall be levied on buildings and lands in [1][Greater Bombay] and shall be called "property taxes", namely:—

Water-tax.

(*a*) a water-tax of so many per centum of their rateable value as the corporation shall deem reasonable [2][for] providing a water-supply for [1][Greater Bombay];

Halalkhor-tax.

(*b*) a halalkhor-tax of so many per centum, not exceeding [3][five] of their rateable value as will, in the opinion of the corporation, suffice to provide for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools and for efficiently maintaining and repairing the municipal drains constructed or used for the reception or conveyance of such matter, subject, however, to the provisos that the minimum amount of such tax to be levied in respect of any one separate holding of land, or of any one building or of any one portion of a building which is let as a separate holding, shall be [4][six annas] per month, and that the amount of such tax to be levied in respect of any hotel, club or other large premises may be specially fixed under section 172;

General tax.

(*c*) a general tax of not less than eight and not more than [5][twenty-one] per centum of their rateable value, together with not less than one-eighth and not more than three-quarters per centum of their rateable value added thereto in order to provide for the expense necessary for fulfilling the duties of the corporation arising under clause (*k*) of section 61 and Chapter XIV.

[6][(*d*) Betterment charges leviable under Chapter XII-A.]

Water-tax on what premises to be levied.

141. Subject to the provisions of section 169, the water-tax shall be levied only in respect of premises—

(*a*) to which a private water-supply is furnished from or which are connected by means of communication-pipes with, any municipal water-works; or

(*b*) which are situated in a portion of [1][Greater Bombay] in which the Commissioner has given public notice that sufficient water is available from municipal water-works for furnishing a reasonable supply to all the premises in the said portion.

Halalkhor-tax on what premises to be levied.

142. (*1*) The halalkhor-tax shall be levied only in respect of premises—

(*a*) situated in any portion of [1][Greater Bombay] in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cesspools, will be undertaken by municipal agency; or

---

[1] These words were substituted for the words "the City" by Bom. 7 of 1950, s. 6 (*1*).

[2] The word "for" was substituted for the words "with reference to the expenses of" by Bom. 21 of 1947, s. 2.

[3] This word was substituted for the word "three" by Bom. 30, of 1951, s. 3. (*1*).

[4] These words were substituted for the words "four annas", *ibid*, s. 3 (*2*).

[5] This word was substituted for the word "seventeen" by Bom. 76 of 1948, s. 18.

[6] This was added by Bom. 34 of 1954, s. 9.

(*b*) in which wherever situate, there is a privy, water-closet, cesspool, urinal, bathing place or cooking place connected by a drain with a municipal drain :

(*2*) Provided that the said tax shall not be levied in respect of any premises situated in any portion of [1][Greater Bombay] specified in clause (*a*), in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.

(*3*) If the Commissioner directs, under sub-section (*2*) [2][or (*3*)] of section 248, that a separate water-closet, privy or urinal need not be required for any premises the halalkhor-tax shall nevertheless be levied in respect of the said premises, if but for such directions, the same would be leviable in respect thereof.

---

[1] These words were substituted for the words " the City " by Bom. 7 of 1950, s. 6 (*1*).

[2] The word, figure and brackets " or (*3*) " were inserted by Bom. 2 of 1911, s. 5.

General tax on what premises to be levied.

143. (*1*) The general tax shall be levied in respect of all buildings and lands in [1][Greater Bombay] except—

[2][(*a*) buildings and lands or portions thereof exclusively occupied for public worship or for charitable purposes ;]

(*b*) buildings and lands vesting in [3][Government] [4][used solely for public purposes and not used or intended to be used for purposes of profit] or in the corporation, in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the [5][Government] or, the corporation, respectively.

(*2*) The following buildings [6][and lands or portions thereof] shall not be deemed to be [7]* * * * exclusively occupied for public worship or for charitable purposes within the meaning of clause (*a*), namely—

(*c*) [8][those] in which any trade or business is carried on ; and

(*d*) [8][those] in respect of which rent is derived whether such rent is or is not applied exclusively to religious or charitable purposes.

[9][(*3*) Where any portion of any building or land is exempt from the general tax by reason of its being exclusively occupied for public worship or for charitable purposes, such portion shall be deemed to be a separate property for the purpose of municipal taxation.]

Payment to be made to the corporation in lieu of the general tax by the Central Government or [10] * * the [12][State] Government, as the case may be.

144. (*1*) The [10][Central Government [11]* * or the [12][State] Government, as the case may be,] shall pay to the corporation annually, in lieu of the general tax from which buildings and lands vesting [3][Government] are exempted by clause (*b*) of section 143, a sum ascertained in the manner provided in sub-sections (*2*) and (*3*).

(*2*) The rateable value of the buildings and lands in [1][Greater Bombay] vesting in [3][Government] and beneficially occupied, in respect of which but for the said exemption, general tax would be leviable from the [10][Central Government [11]* * or the [12][State] Government, as the case may be,] shall be fixed by a person from time to time appointed in this behalf by the [12][State] [13][Government] with the concurrence of the corporation. The said value shall be fixed by the said person, with a general regard to the provisions hereinafter contained concerning the valuation of property assessable to property-taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in [3][Government] in [1][Greater Bombay] materially increases or decreases.

(*3*) The sum to be paid annually to the corporation by the [10][Central Government [11]* * or the [12][State] Government, as the case may be,] shall be eight-tenths of the amount which would be payable by an ordinary owner of buildings or lands in [1][Greater Bombay], on account of the general tax, on a rateable value of the same amount as that fixed under sub-section (*2*).

---

[1] These words were substituted for the words " the City " by Bom. 7 of 1950, s. 6 (*i*).

[2] This clause was substituted for the original by Bom. 2 of 1911, s. 6 (*1*).

[3] The word " Government " was substituted for the original words by the Adaptation of Laws Order, 1950.

[4] These words were inserted by Bom. 10 of 1928, s. 12.

[5] The word " Government" was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

[6] These words were inserted by Bom. 2 of 1911, s. 6 (*2*) (*a*).

[7] Portion repealed, *ibid*, s. 6 (*2*) (*b*) is omitted.

[8] The word " those " was substituted for the word " buildings ", *ibid*, s. 6 (*2*) (*c*).

[9] This sub-section was added, *ibid*, s. 6 (*3*).

[10] The words " Central Government, or the Crown Representative, or the Provincial Government, as the case may be ", were substituted for the words " Secretary of State for India in Council " by the Adaptation of Indian Laws Order in Council.

[11] The words " or the Crown Representative " were deleted by the India (Adaptation of Existing Indian Laws) Order, 1947.

[12] This word was substituted for the original by the Adaptation of Laws Order, 1950.

[13] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

Amendment of section 36, Bombay Act VI of 1879.

145. For section 36 of the Bombay Port Trust Act, 1879, the following section shall be substituted, namely :—

Bom. VI of 1879.

See *Supra.*

Liability for Property-taxes.

Primary responsibility for property-taxes on whom to rest.

146. (*1*) Property-taxes shall be leviable primarily from the actual occupier of the premises upon which the said taxes are assessed, if such occupier holds the said premises immediately from [1][the [2][Government]] or from the corporation or from a fazendar.

(*2*) Otherwise the said taxes shall be primarily leviable as follows, namely :—

(*a*) if the premises are let, from the lessor;

(*b*) if the premises are sub-let, from the superior lessor; and

(*c*) if the premises are unlet, from the person in whom the right to let the san vests.

(*3*) But if any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or his legal representative, whether the premises be in the occupation of the said tenant or of his legal representative, or of a sub-tenant.

Apportionment of responsibility for property tax when the premises assessed are let or sub-let.

147. (*1*) If any premises assessed to any property-tax are let, and their rateable value exceeds the amount of rent payable in respect thereof to the person from whom, under the provisions of the last preceding section, the said tax is leviable, the said person shall be entitled to receive from his tenant the difference between the amount of the property-tax levied from him, and the amount which would be leviable from him if the said tax were calculated on the amount of rent payable to him.

(*2*) If the premises are sub-let and their rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under him, the said tenant shall be entitled to receive from his sub-tenant or the said sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or sub-tenant and the amount of property-tax which would be leviable in respect of the said premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays.

(*3*) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

Person primarily liable for property-tax entitled to credit, if he is a rent payer.

148. If any person who is primarily liable for the payment of any property-tax himself pays rent to another person other than [1][the [2][Government]] or the corporation in respect of the premises upon which such tax is assessed, he shall be entitled to credit in account with such other person for such sum as would be leviable on account of the said tax if the amount of the rent payable by him were the rateable value of the said premises.

---

[1] The words "the Crown" were substituted for the word "Government" by the Adaptation Indian Laws Order in Council.

[2] This word was substituted for the original by the Adaptation of Laws Order, 1950.

Notice of transfer, etc., of premises assessable to Property-taxes.

Notice to be given to the Commissioner of all transfers of title of persons primarily liable to payment of property tax.

149. (*1*) Whenever the title of any person primarily liable for the payment of property-taxes on any premises to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall, within three months after execution of the instrument of transfers, or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer, in writing, to the Commissioner.

(*2*) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to Commissioner within one year from the death of the deceased.

Form of notice.

150. (*1*) The notice to be given under the last preceding section shall be in the form either of Schedule E or Schedule F, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(*2*) On receipt of any such notice, the Commissioner may, if he thinks it necessary require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Indian Registration Act, 1877[1]

III of 1877.

Liability for payment of property-taxes to continue in the absence of any notice of transfer.

151. (*1*) Every person primarily liable for the payment of a property-tax on any premises who transfers his title to or over such premises without giving notice of such transfer to the Commissioner as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's-books.

(*2*) But nothing in this section shall be held to diminish the liability of the transferee for the said property-taxes, or to affect the prior claim of the Commissioner on the premises conferred by section 212, for the recovery of the property-taxes due thereupon.

Notice to be given to the Commissioner of the erection of a new building etc.

152. (*1*) When any new building is erected, or when any building is rebuilt or enlarged,

or when any building which has been vacant is reoccupied,

the person primarily liable for the property-taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the Commissioner.

(*2*) The said period of fifteen days shall be counted from the date of the completion or of the occupation whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and in the case of a building which has been vacant, from the date of the reoccupation thereof.

Notice to be given to the Commissioner of demolition or removal of a building.

153. (*1*) When any building or any portion of a building, which is liable to the payment of a property-tax, is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof, in writing, to the Commissioner.

(*2*) Until such notice is given the person aforesaid shall continue liable to pay every such property-tax as he would have been liable to pay in respect of such building if the same, or any portion thereof, had not been demolished or removed :

[2][(*3*) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down.]

---

[1] See now the Indian Registration Act, 1908 (16 of 1908).

[2] This sub-section was added by Bom. 8 of 1918, s. 3.

Valuation of property assessable to property-taxes.

Rateable value how to be determined.

154. (*1*) In order to fix the rateable value of any building or land assessable to a property-tax, there shall be deducted from the amount of the annual rent for which such land or building might reasonably be expected to let from year to year a sum equal to ten per centum of the said annual rent and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever.

(*2*) The value of any machinery contained or situate in or upon any building or land shall not be included in the rateable value of such building or land.

Commissioner may call for information or returns from owner or occupier or enter and inspect assessable premises.

155. (*1*) To enable him to determine the rateable value of any building or land and the person primarily liable for the payment of any property-tax leviable in respect thereof the Commissioner may require the owner or occupier of such building or land, or of any portion thereof, to furnish him, within such reasonable period as the Commissioner prescribes in this behalf, with information or with a written return signed by such owner or occupier—

(*a*) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such building or land; and

(*b*) as to the dimensions of such building or land, or of any portion thereof, and the rent, if any, obtained for such building, or land, or any portion thereof.

(*2*) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(*3*) The Commissioner may also for the purpose aforesaid make an inspection of any such building or land.

Assessment-book.

Assessment book what to contain.

156. The Commissioner shall keep a book, to be called " the assessment-book " in which shall be entered every official year—

(*a*) a list of all buildings and lands in [1][Greater Bombay] distinguishing each, either by name or number, as he shall think fit;

(*b*) the rateable value of each such building and land determined in accordance with the foregoing provisions of this Act;

(*c*) the name of the person primarily liable for the payment of the property-taxes, if any, leviable on each such building or land;

(*d*) if any such building or land is not liable to be assessed to the general tax, the reason of such non-liability;

(*e*) when the rates of the property-taxes to be levied for the year have been duly fixed by the corporation and the period fixed by public notice, as hereinafter provided, for the receipt of complaints against the amount of rateable value entered in any portion of the assessment-book, has expired, and in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at which each building or land entered in such portion of the assessment-book is assessed to each of the property-taxes, if any, leviable thereon;

(*f*) if, under section 169 or 170, a charge is made for water supplied to any building or land by measurement or the water-tax or charge, or water by measurement is compounded for, or if, under section 172, the halalkhor-tax for any building or land is fixed at a special rate, the particulars and amount of such charge, composition or rate;

---

[1] These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6 (*1*).

(*g*) such other details, if any, as the Commissioner from time to time thinks fit to direct.

The assessment book to be made separately for each ward and in parts, if necessary.

157. (*1*) The assessment-book shall be made in separate books, called "ward assessment-books", one for each of the wards into which [1][Greater Bombay] is for the time being divided under the provisions of section 24; and each ward assessment-book may, if the Commissioner thinks fit, be divided into two or more parts for such purposes and with such several designations as the Commissioner shall determine.

(*2*) The ward assessment-books and their respective parts, if any, shall collectively constitute the assessment-book.

Treatment of property which is let to two or more persons in separate occupancies.

158. (*1*) When any building or land is let to two or more persons holding in severalty, the Commissioner may, for the purpose of assessing such building or land to the property-taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

Allowance of drawback in such cases.

(*2*) When the Commissioner has determined to treat all the several holdings comprised within any one building or land under this section as one property, he may, subject to any general conditions which may from time to time be prescribed by the standing committee in this behalf, at any time not later than seven days before the first day of any half-year for which an instalment of general-tax will be leviable in respect of the said property, sanction a drawback of one-fifth part of the general-tax so leviable.

[2][(*3*) Every person who applies for a drawback under sub-section (*2*) shall furnish to the Commissioner full and correct information regarding the property in respect of which the claim for drawback is made and the several holdings comprised therein in such form and with such particulars as may be required by the Commissioner in accordance with the general conditions prescribed in this behalf by the standing committee.]

Person primarily liable for property-taxes how to be designated, if his name cannot be ascertained.

159. (*1*) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises, without further description.

Occupier liable for property-taxes until he gives information.

(*2*) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all property-taxes leviable on the premises of which he is in occupation.

Public notice to be given when valuation of property in any ward has been completed.

160. (*1*) When the entries required by clauses (*a*), (*b*), (*c*) and (*d*) of section 156 have been completed, as far as practicable, in any ward assessment-book, the Commissioner shall give public notice thereof and of the place where the ward assessment-book, or a copy of it, may be inspected.

---

[1] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

[2] This sub-section was inserted by Bom. 76 of 1948, s. 19.

(*2*) Such public notice shall be given by advertisement in the [1][*Official Gazette*] and in the local newspapers, and also by posting placards in conspicuous places throughout the ward.

Assessment-book to be open to inspection.

161. (*1*) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment-book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect; and to take extracts from any portion of the said book which relates to the said premises.

(*2*) Any person not entitled under sub-section (*1*) to inspect and take extracts from any portion of the assessment-book free of charge shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee.

Time for filing complaints against valuations to be publicly announced.

162. (*1*) The Commissioner shall, at the time and in the manner prescribed in section 160, give public notice of a day, not being less than fifteen days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ward assessment-book will be received in his office.

Special notices to be issued in certain cases.

(*2*) In every case in which any premises have for the first time been entered in the assessment-book as liable to the payment of property rates, or in which the rateable value of any premises liable to such payment has been increased, the Commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-section (*1*), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within fifteen days from the service of the special notice.

Time and manner of filing complaints against valuation.

163. (*1*) Every complaint against the amount of any rateable value entered in the assessment-book must be made by written application to the Commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(*2*) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

Notice to complainants of day fixed for investigating their complaints.

164. The Commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice, in writing, to each complainant, of the day, time and place when and whereat his complaint will be investigated.

Hearing of complaint.

165. (*1*) At the time and place so fixed, the Commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and, if not, in his absence.

(*2*) For reasonable cause, the Commissioner may from time to time adjourn the investigation.

(*3*) When the complaint is disposed of, the result there of shall be noted in the book of complaints kept under section 164, and any necessary amendment shall be made in accordance with such result, in the assessment-book.

---

[1] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

Authentication of ward assessment-books when all complaints have been disposed of.

166. (*1*) When all such complaints, if any, have been disposed of and the entries required by clause (*e*) of section 156 have been completed in the ward assessment-book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made as shown therein, no valid objection has been made to the rateable values entered in the said book.

(*2*) Thereupon the said ward assessment-book subject to such alterations as may thereafter be made therein under the provisions of the next following section, shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

Assessment-book may be amended by the Commissioner during the official year.

167. (*1*) The Commissioner may, upon the representation of any person concerned, or upon any other information, at any time during the official year to which an assessment-book relates amend the same by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted or by striking out the name of any person not liable for the payment of any property-tax, or by increasing or reducing the amount of any rateable value and of the assessment based thereupon, or by making or cancelling an entry exempting any premises from liability to any property-tax.

(*2*) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

New assessment-book need not be prepared every official year.

168. (*1*) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-section (*3*), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit, as the entries for each new year.

(*2*) But public notice shall be given, in accordance with sections 160 and 162 every year and the provisions of the said sections and of sections 163 to 167, both inclusive, shall be applicable each year.

(*3*) A new assessment-book shall be prepared at the least once in every four years.

Special provisions concerning the Water and Halalkhor Taxes.

A charge by measurement or a periodical lump payment may be substituted for the water-tax.

169. (*1*) The Commissioner may—

(*a*) in such cases as the standing committee shall either generally or specially direct, instead of levying the water-tax in respect of any premises liable therefor under section 141, charge for the water supplied to such premises by measurement at such rate as shall from time to time be prescribed by the said committee in this behalf. [1][The sum so charged shall hereinafter be referred to as 'water charges'];

(*b*) [2][in such cases as the standing committee shall either generally or specially approve], compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding five, on payment of a fixed periodical sum in lieu of the water-tax or [3][water charges] which would otherwise be leviable from such person in respect of the said premises.

---

[1] These words were added by Bom. 61 of 1954, s. 3. (*1*).

[2] These words were substituted for the words "with the approval of the standing committee" by Bom. 19 of 1930, s. 11 (*a*).

[3] These words were substituted for the words "charge by measurement" Bom. 61 of 1954, s. 3 (*2*).

(*2*) The standing committee may, for the cases in which the Commissioner charges for water by measurement under clause (*a*), from time to time prescribe such conditions as they shall think fit as to the use of the water and as to the charge to be paid for water consumed whilst a meter is out of order or under repair; and [1][for the cases] in which a composition is made under clause (*b*), the said committee may prescribe such conditions as to the use of the water as they shall think fit: Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or with any by-law made under this Act.

(*3*) A person who is charged for water by measurement or who has compounded for a fixed periodical sum shall not be liable for payment of the water-tax, but any sum payable by him on account of water and not paid when it becomes due shall be recoverable by the Commissioner as if it were an arrear of water-tax.

[2][Government] and the Port Trust to be charged for water by measurement.

170. If, in respect of any premises, water-tax would be leviable under this Act from the [2][Government] or from the Trustees of the Port of Bombay, the Commissioner, in lieu of levying such tax, shall charge for the water supplied to such premises, by measurement, at such rate as shall be prescribed by the standing committee in this behalf, not exceeding, in the case of the [2][Government], the minimum rate, and, in the case of the said Trustees, the maximum rate, at the time being charged under clause (*a*) of section 169 to any other person; and such charge shall be recoverable as provided in sub-section (*3*) of the said section.

Supply of water at public drinking fountains, etc., not to be taxed.

171. No tax or charge of any kind shall be levied or demanded for the use of water in or from any drinking fountain, tank, reservoir, cistern, pump, well, duct, standpipe or other work, used for the gratuitous supply of water to the inhabitants of the city and vesting in the corporation: Provided that the use of water in or from any such work shall be limited as prescribed in sub-section (*3*) of section 269.

Halalkhor-tax may be fixed at special rates in certain cases.

172. (*1*) The Commissioner may, whenever he thinks fit, fix the halalkhor-tax to be paid in respect of any hotel, club or other large premises at such special rate as shall be approved by the standing committee in this behalf, either generally or in any particular case, whether the service in respect of which such tax is leviable be performed by halalkhors or by substituted means or appliances.

(*2*) In the case of premises in respect of which the halalkhor-tax is payable by the [2][Government] or by the Trustees of the Port of Bombay, the Commissioner shall fix the said tax at a special rate approved as aforesaid.

(*3*) In any such case the amount of the halalkhor-tax shall be fixed with reference to the cost or probable cost of the collection, removal and disposal, by the agency of municipal halalkhors, of excrementitious and polluted matter from the premises.

---

[1] These words were substituted for the words "in each case" by Bom. 19 of 1930, s. 11 (*b*).

[2] The word "Government" was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

Water-tax [2][water charges] or halalkhor-tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.

173. (*1*) Any person who has paid to the Commissioner any [1][water-tax, or a sum on account of water charges or any] halalkhor-tax in respect of any premises shall, if he was not himself in occupation of the said premises during the period for which he has made such payment, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period.

(*2*) For the recovery of the said amount from the person aforesaid, the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person from whom he is entitled to receive the same.

Owner of premises entitled to recover water charges from occupiers of tenements.

[3][**173A.** (*1*) If the premises to which water is supplied by measurement consists of more than one tenement and water is supplied thereto through a common meter and if water charges in respect of the water supplied are paid to the Commissioner by the owner of the said premises or any person acting on his behalf, such owner shall be entitled to recover the sum of such water charges *pro-rata* from the occupiers of the tenements during the period for which water is supplied to the said tenements through the common meter, in proportion to the amount of the rent for which each of such tenements is let:

Provided that if—

(*a*) any of the tenements is in the occupation of the owner or any person acting on his behalf, or

(*b*) by the terms of the tenancy, the owner has agreed to pay the water charges for an occupier of a tenement,

the amount payable *pro-rata* in respect of such tenements shall not be recovered from the occupiers of other tenements.

(*2*) If, under the terms of the tenancy, the rent charged for any such tenement is inclusive of water-tax and subsequently water is supplied thereto through a common meter and if water charges are paid by the owner or any person acting on his behalf, such owner shall be entitled to recover under this section from the occupier of such tenement only the difference between the water-tax previously payable by him and the water charges payable in respect of such tenement on *pro-rata* basis under sub-section (*1*).

Water paid b owner not recovered from occupiers not to operate to diminish annual rent for purposes of section 154.

173B. If the owner of any premises has paid to the Commissioner the sum of water charges in respect of water supplied to the premises and though entitled to recover from the person in actual occupation of the said premises a sum as determined under section 173A, omits or fails to recover the same wholly or in part for whatever reason the fact of the omission or failure to recover such sum shall not operate to diminish the amount of the annual rent of the said premises calculated for the purposes of section 154.]

---

[1] These words were substituted for the words " Water Tax or " by Bom. 62 of 1954, s. 4 (*1*).

[2] These words were inserted, *ibid.*, s. 4 (*2*).

[3] Sections 173A and 173 B were inserted, *ibid.*, s. 5.

Refund of Property taxes for vacancies.

174. When any building or land, or any portion of any premises which the Commissioner has treated under section 158 as a separate property, has been vacant for not less than thirty consecutive days, the Commissioner shall, subject to the provisions hereinafter contained, refund the amount of the water-tax and halalkhor-tax, if any, paid for the number of days that such vacancy lasted.

Refund of water and halalkhor-taxes when and to what extent obtainable.

175. When any building or land, or any portion of anv premises which the Commissioner has treated under section 158 as a separate property, has been vacant for not less than sixty consecutive days, the Commissioner shall, subject to the provisions hereinafter contained refund two-thirds of the amount of the general tax, if any, paid for the number of days that such vacancy lasted.

Refund of general tax when and to what extent obtainable.

176. (*1*) No refund of any property tax shall be claimable from the Commissioner as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the tax, or his agent, to the Commissioner.

Refund not claimable unless notice of vacancy is given to the Commissioner.

(*2*) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice.

(*3*) When a vacancy continues from one half year in respect of which property taxes are, under section 197 recoverable, into the next following half year, no refund of any property tax shall be claimable from the Commissioner as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the commencement of the said next following half year.

177. No refund of water tax shall be claimable except from such time as a written application shall have been made to the Commissioner to stop the water-supply to the vacant premises.

Refund of water-tax inadmissible unless application for stopping water supply has been made.

178. No refund of general tax shall be claimable in any case in which the Commissioner has sanctioned a drawback under sub-section (*2*) of section 158.

Refund of general tax inadmissible when drawback has been sanctioned.

179. It shall be in the discretion of the Commissioner to diallow any claim for refund of any property-tax unless application therefor is made to him in writing within thirty days after the expiry of the half-year to which the claim relates accompanied by the bill presented to the applicant under section 200 for the amount of the tax from which the refund is claimed.

Applications for refund when and how to be made.

Tax on Vehicles and Animals.

Tax on what vehicles and animals to be levied.

180. Except as hereinafter provided, a tax at rates not exceeding those specified in Schedule G shall be levied on all vehicles and on all animals of the descriptions specified in the said schedule which are kept within [1][Greater Bombay].

Exemptions from the tax.

181. [2][(*1*)] The said tax shall not be levied in respect of—

(*a*) any vehicle or animal certified by the Commissioner or the Police Commissioner, as the case may be, to be employed by the owner thereof for municipal or police purposes;

(*b*) gun-carriages, ordnance-carts or wagons, and artillery and cavalry horses;

(*c*) any horse which any person, exempted by an order issued under section 3 of the Municipal Taxation Act, 1881, from the operation of any municipal tax on horses, is bound by the regulations of the service to which he belongs to keep; XI of 1881.

[3][(*d*) any vehicle or animal exempted from municipal taxation under section 16 of the Indian Territorial Force Act, 1920, or section 34 of the Auxiliary Force Act, 1920]; XLVIII of 1920, XLIX of 1920.

[4][(*e*) vehicles and animals vesting in [5]* * * the Central Government;

(*e-1*) vehicles and animals, other than those specified in clause (*e*), vesting in [6][Government] and used solely for public purposes and not used or intended to be used for purposes of profit;

(*e-2*) vehicles and animals belonging to the Corporation;]

[7]†[(*e-3*) any motor vehicle belonging to a foreign Consular Officer de Carrier stationed at Bombay provided such officer proves to the satisfaction of the Commissioner that such motor vehicle has been exempted under section 18 of the Bombay Motor Vehicles Tax Act, 1935;] Bom. XXXIV of 1935.

[8]* * * * * * * *

(*g*) vehicles kept by *bona fide* dealers in vehicles for sale merely, and not used;

---

[1] These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6 (*1*).

[2] Section 181 was renumbered as sub-section (*1*) by Bom. 8 of 1942, s. 2 (*1*), read with Bom. 8 of 1948, s. 3.

[3] This clause was substituted for the original by Bom. 8 of 1942, s. 2 (*1*) (*i*), read with Bom. 8 of 1948, s. 3.

[4] Clauses (*e*) (*e-1*) and (*e-2*) were substituted for clause (*e*), *ibid* 2 (*1*) (*ii*).

[5] The words " His Majesty for purposes of " were omitted by the Adaptation of Laws Order, 1950.

[6] This word was substituted for the original words, *ibid.*

[7] *Clause* (*e-3*) was inserted by Bom. 48 of 1950, s. 64.

[8] Clause (*f*) was deleted by Bom. 48 of 1948, s. 38.

† Section 80 of Bom. 48 of 1950 reads as follows :—

Amendments made by sections, 64, 65, 67, 68 and 76 to have retrospective effect.

80. (*1*) The amendments made by sections 64, 65 and 67 shall be deemed to have been made on and to have effect from the 15th day of August 1947.

(*2*) The amendments made by sections 68 and 76 shall be deemed to have been made on and to have effect from the 14th day of March 1944 and any order made or action taken under the said Act before the commencement of this Act shall be deemed to have been made or taken under the said Act as amended by this Act, and no prosecution, suit or other proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of any such order or action, as the case may be.

[1][Provided that a tax at the rate of rupees thirty shall be levied quarterly in advance from every dealer in motor vehicles for every seven motor vehicles in respect of which a Trade Certificate is issued to him under rules made under the Motor Vehicles Act, 1939]; IV of 1939

(*h*) trucks used exclusively on a wharf or in or upon any premises appertaining to a factory, workshop, warehouse or railway;

(*i*) hand-barrows having one wheel only, [2][bicycles, tricycles, other than motor bicycles and tricycles] and children's perambulators;

[3][(*2*) If any question arises under clause (*e-1*) of sub-section (*1*) whether any vehicle or animal belonging to [4][Government] is or is not used solely for public purposes or is or is not used or intended to be used for purposes of profit, such question shall be determined by the [5][State] Government, whose decision shall be final.]

Persons responsible for the payment of the tax.

[6][**182.** (*1*) The said tax shall be leviable from the owner of or person having possession or control of any vehicle or animal in respect of which the said tax is leviable:

[7][Provided that in the case of an animal generally used or employed in drawing any vehicle the tax in respect of such animal shall be leviable from the owner of, or person having possession or control of, such vehicle, whether or not such animal is owned by such owner or person.]

(*2*) For the purpose of this section, the person in whose name a motor vehicle is for the time being registered under the Motor Vehicles Act, 1939, shall, until the contrary is proved, be presumed to be the owner or person in possession or control of such motor vehicle.] IV of 1939.

183. [*Vehicles under repair, or standing at carriage-maker's exempt.*] *Repealed by Bom. 8 of 1942, s. 4, read with Bom. 8 of 1948, s. 3.*

---

[1] This proviso was added by Bom. 8 of 1942, s. 2 (*1*) (*iii*), read with Bom. 8 of 1948, s. 3.

[2] These words were inserted by Bom. 2 of 1911, s. 7.

[3] This sub-section was inserted by Bom. 8 of 1942, s. 2 (2), read with Bom. 8 of 1948, s. 3.

[4] This word was substituted for the original words, *ibid.*

[5] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[6] This section was substituted for the original, by Bom. 8 of 1942, s. 2 (2), read with Bom. 8 of 1948, s. 3.

[7] This proviso was added by Bom. 76 of 1948, s. 20.

184. [*Animals unfit for use, and not used, exempt.*] *Repealed by Bom. 8 of 1942, s. 4, read with Bom. 8 of 1948, s. 3.*

Livery-stable-keepers and others may be compounded with.

185. The Commissioner may, with the approval of the standing committee, compound with any livery-stable-keeper or other person keeping vehicles or horses or bullocks for hire, or with any dealer having stables in which horses are kept for sale on commission or otherwise, for the payment of a lump sum for any period not exceeding one year at a time, in lieu of the taxes [1][leviable under section 180 which such livery-stable-keeper or other person or dealer would otherwise be liable to pay].

Vehicle and animal tax book to be kept.

186. (*1*) The Commissioner shall keep a book, in which shall be entered from time to time—

(*a*) a list of the persons liable to pay any tax under section 180;

(*b*) a specification of the vehicles and animals in respect of which the said persons are, respectively, liable to the said tax;

(*c*) the amount of tax payable by each such person and the period for which it is payable;

(*d*) the particulars of every composition made under section 185.

(*2*) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said book which relates to such person.

(*3*) Any person not entitled under sub-section (*2*) to inspect and take extracts from any portion of the said book free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee.

Returns may be called for from owners of premises and persons supposed to be liable to the tax.

187. (*1*) In order that the said list may be prepared, the Commissioner may require—

(*a*) the owner of any premises let to or occupied by more than one person owning or having [2][possession or control] of vehicles and animals to furnish him with a written return, signed by such owner, of the name and address of each of the said persons, and of the animals and vehicles owned by or in [2][the possession or under the control] of each of the said persons kept upon such owner's premises;

(*b*) any person supposed to be liable to the payment of any tax on a vehicle or animal to furnish him with a written return, signed by such person and containing such information concerning the vehicles and animals, if any, owned by or in [2][the possession or under the control] of such person as the Commissioner shall deem necessary.

(*2*) Every person on whom any such requisition is made shall be bound to comply with the same, within such reasonable period as the Commissioner prescribes in this behalf, whether such person be liable to the payment of any such tax or not, and to make a true return to the best of his knowledge or belief.

---

[1] This was substituted for the original by Bom. 8 of 1942, s. 5, read with Bom. 8 of 1948, s. 3.

[2] These words were substituted for the words "the charge", *ibid.*, s. 6.

Notice to be given to Commissioner by a person who becomes owner or possessed of a vehicle or animal in respect of which liability arises, etc.

[1][188. (*1*) Every person who becomes the owner or obtains possession or control of any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner within fifteen days after he has become the owner or has obtained possession or control of such vehicle or animal, of the fact that he has become the owner or has obtained possession or control of such vehicle or animal, as the case may be.

(*2*) Every person who ceases to own or have possession or control of any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner of the fact that he has ceased to own or have possession or control of such vehicle or animal. Such person shall, in addition to any other penalty to which he may be liable, continue to be liable for the payment of the said tax leviable from time to time in respect of such vehicle or animal until he gives such notice:

Provided that nothing herein contained shall be held to diminish the liability to pay the said tax of the person who becomes the owner or obtains possession or control of such vehicle or animal or affect the prior claim of the Commissioner on such vehicle or animal for the recovery of any tax due in respect thereof.]

Power to inspect stables and summon persons liable to the tax.

189. (*1*) The Commissioner may make an inspection of any stable, [2][garage] or coach house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act.

(*2*) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person, and may examine such person or servant as to the number and description of vehicles and animals owned by or in [3][the possession or under the control] of such person; and every person so summoned shall be bound to attend before the Commissioner and to give true information, to the best of his knowledge or belief, as to the said matters.

[4]* * * * *

Refund of tax on vehicles and animals when and to what extent obtainable.

[5][190. If the tax leviable on any vehicle or animal in respect of any quarter has been paid and if during such quarter such vehicle or animal ceases to be kept within the city, or is destroyed or is otherwise rendered[6]* unfit for use or if such vehicle has been, under repairs or if such animal has been kept in any institution for the reception of infirm or disused animals or is certified by a Veterinary Surgeon to have become unfit for use and has not been used, the person who paid the tax leviable on such vehicle or animal shall, subject to the provisions hereinafter contained, and on the Commissioner [7][or any officer authorised by him] being satisfied in this behalf, be entitled to receive from the Commissioner, if the period in such quarter for which such vehicle or animal has not been kept in the city or has not been used, on account of such vehicle or animal being destroyed or rendered [6]*unfit for use or on account of such vehicle being under repairs or such animal being kept in any institution for the reception of infirm or disused animals or such

---

[1] This section was substituted for the original, by Bom. 8 of 1942, s. 7 read with Bom. 8 of 1948, s. 3.

[2] This word was inserted, *ibid*, s. 8 (*1*).

[3] These words were substituted for the words "the charge" *ibid.*, s. 8 (*2*).

[4] The heading and sections 190 and 191 repealed by Bom. 7 of 1021, s. 5, is omitted and the repeal shall have effect from 1st April 1920.

[5] Sections 100 and 191 were inserted by Bom. 8 of 1942, s. 9, read with Bom. 8 of 1943, s. 3.

[6] The word "permanently" was deleted by Bom. 8 of 1948, s. 3.

[7] These words were inserted by Bom. 76 of 1948, s. 21.

animal having been certified by a Veterinary Surgeon to have become unfit for use, is

(*a*) not less than eighty days, the full amount of the tax paid,

(*b*) not less than sixty days, two-thirds of the tax paid,

(*c*) not less than thirty days one-third of the tax paid.

No refund of the tax shall be granted if such period is less than thirty days.]

Refund not claimable unless notice is given to the Commissioner.

[1][**191.** (*1*) No refund of the tax shall be claimable from the Commissioner under section 190 unless notice in writing of the occurrence of the circumstances giving rise to such claim or of the commencement of circumstances which may give rise to such claim has been given to the Commissioner by the person who paid the tax or his agent.

(*2*) If such notice is not received by the Commissioner within three days of the occurrence or commencement of the circumstances as aforesaid, the period previous to the date of the receipt of the notice shall be excluded in computing the period of eighty, sixty and thirty days referred to in section 190, for the purposes of granting any refund.

(*3*) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax, unless application claiming such refund is made to him in writing before the expiry of 15 days after the end of the quarter to which the claim relates and is accompanied by the bill presented to the applicant under section 200 for the amount of the tax from which the refund is claimed.]

[2][*Dogs.*

Tax on dogs

191A. (*1*) A tax not exceeding five rupees per annum shall be levied on every dog kept within [3][Greater Bombay] and not under the age of six months.

(*2*) Every person who owns or is in charge of any dog on which a tax is leviable under sub-section (*1*) shall be liable for such tax.

(*3*) (*a*) Every person who owns or is in charge of any dog shall, before the first day of May in each official year, forward to the Commissioner a return signed by him containing information regarding the age of such dog and his name and address.

(*b*) Every person who after the first day of May in any official year becomes the owner or takes charge of any dog shall, within one week from the date on which he becomes the owner or takes charge of the dog, forward to the Commissioner a like return, signed by him.

(*4*) The tax shall be payable for every official year in advance on the first day of May:

Provided that—

(*i*) in respect of a dog which attains the age of six months after the first day of May, the tax shall be payable immediately after the expiry of one week from the day on which the dog attains such age, and

(*ii*) in cases in which a person becomes the owner or takes charge of any dog, not under the age of six months, after the first day of May, the tax shall be payable immediately after the expiry of one week from the day on which he becomes the owner or takes charge of such dog:

Provided further that the tax shall not be payable more than once for the official year in respect of any dog.

(*5*) The Commissioner shall maintain a register showing the persons liable to pay the tax under this section.

---

[1] Sections 190 and 191 were inserted by Bom. 8 of 1942, s. 9, read with Bom. 8 of 1948, s. 3.

[2] This heading and sections 191A to 191D were inserted by Bom. 2 of 1943, s. 3, read with Bom. 8 of 1948, s. 2.

[3] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

Licence and number-ticket for and disposal of dogs.

[1][191B. (*1*) When the owner or person in charge of any dog has paid the tax leviable on such dog, the Commissioner shall—

(*a*) grant him a licence to keep such dog during the official year for which the tax has been paid; and

(*b*) provide him with a number-ticket, the number of which shall be specified in the licence.

(*2*) The owner or person in charge of any dog so licensed shall at all times cause the said number-ticket to be kept attached to the collar or otherwise suspended from the neck of the dog.

(*3*) Any dog which has no number-ticket so attached or suspended—

(*i*) shall be presumed to be a dog in respect of which no licence has been granted, and

(*ii*) may be seized by the police or by any officer duly authorised by the Commissioner in this behalf, and detained until the tax due, if any, has been paid.

(*4*) If any person, within three days from the date of such seizure, satisfies the Commissioner that he is the owner or person in charge of such dog, the Commissioner shall order it to be delivered to such person on payment of the tax, if any due, and the costs incurred by the Commissioner by reason of its detention.

(*5*) If, within the said three days, no person satisfies the Commissioner that he is the owner or person in charge of the dog and pays the said tax and costs, the Commissioner may cause the dog either—

(*a*) to be destroyed, or

(*b*) to be sold and the proceeds of the sale, after deducting therefrom the said tax and costs (together with the costs of sale) to be paid to any person who within six months from the date of such sale, establishes to the satisfaction of the Commissioner his claim to such proceeds.

Exemption of dogs kept by certain Consular Officers.

[2]*[**191BB.** Nothing contained in sections 191A and 191B shall apply to any dog kept by or in charge of such diplomatic and consular Officers as the State Government may by general or special order specify in this behalf.]

Protection of persons acting in good faith.

[1]**191C.** No suit, prosecution or other legal proceeding shall be instituted against any person in respect of any act done in good faith in pursuance of the provisions of sub-sections (*3*), (*4*) and (*5*) of section 191B.

Certain sections not to apply.

[1]**191D.** Nothing contained in sections 180 to 182, 185 to 188, 190, 191, 198 and the second sentence of sub-section (*2*) of section 200 shall apply in respect of the tax leviable under section 191A].

[3][THEATRE TAX.

Tax on cinemas, theatres, circuses, carnivals and other performances or shows.

Theatre tax.

191E. (*1*) Except as hereinafter provided, there shall, from such date as the State Government may by notification in the *Official Gazette* specify in this behalf, be levied and paid to the Corporation a tax referred to in this Act as theatre tax on cinemas, theatres, circuses, carnivals and other performances or shows.

---

[1] Sections 191A to 191D were inserted by Bom. 2 of 1943, s. 3, read with Bom. 8 of 1948, s. 2.

[2] Section 191BB was inserted by Bom. 48 of 1950 s. 65.

[3] This heading and sections 191E to 191K were inserted *ibid*, s. 66.

* Section 80 of Bom. 48 of 1950 reads as follows:—

Amendments made by sections 64, 65, 67 68 and 76 to have retrospective effect.

80. (*1*) The amendments made by sections 64, 65 and 67 shall be deemed to have been made on and to have effect from the 15th day of August 1947.

(*2*) The amendments made by sections 68 and 76 shall be deemed to have been made on and to have effect from the 14th day of March 1944 and any order made or action taken under the said Act before the commencement of this Act shall be deemed to have been made or taken under the said Act as amended by this Act, and no prosecution, suit or other proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of any such order or action, as the case may be.

(*2*) The theatre tax shall be levied in respect of a theatre, cinema, circus, carnival and other place of entertainment for every performance or show held or conducted thereat or therein and to which persons are admitted on payment, at the rate prescribed by or under the provisions of this Act.

(*3*) The theatre tax shall be levied at the rates not exceeding those specified in Schedule G-1 as the Corporation shall from year to year, in accordance with section 128, determine.

Liability to pay theatre tax.

191F. Every proprietor, manager or person in charge of the entertainment shall be liable to pay the theatre tax and shall pay the same in advance before the commencement of each show or if there are no separate shows before any person is admitted to the entertainment on any day:

Provided that the Commissioner may, subject to such terms and conditions as he may impose, allow a lump payment of the tax to be made in respect of a series of such shows or a period of one week or one month.

Register of persons liable to pay theatre tax.

191G. The Commissioner shall maintain a register, in which shall be entered from time to time,—

(*a*) a list of the persons liable to pay the theatre tax;

(*b*) the particulars of the cinemas, theatres and other places of entertainment belonging to or in charge of such persons;

(*c*) the approximate amount of tax payable by each such person and the period in respect of which it is payable.

Returns by persons liable to theatre tax.

191H. It shall be the duty of every proprietor, manager or person in charge of the entertainment to submit to the Commissioner such returns signed by him, at such intervals, in such form and containing such information for the purpose of levy of the theatre tax as shall be prescribed by rules made under section 191K.

Power of inspection.

191I. The Commissioner may enter upon and inspect any premises or place which he has reason to believe are being used or are about to be used for any performance or show, in respect of which the theatre tax is payable or would be payable.

Notice of demand.

191J. (*1*) If any person has failed to pay the theatre tax, the Commissioner shall with the least practicable delay cause to be served on the defaulter a notice of demand in such form as may be prescribed by rules made in this behalf under section 191K. No fee shall be payable in respect of the service of such notice.

(*2*) If the person on whom a notice is served under sub-section (*1*) does not within fifteen days from the service of the notice on him pay the amount due or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, the Commissioner may recover the amount by distress and sale of the moveable property or attachment and sale of the immovable property of the defaulter as if the amount were a property-tax due by him.

Rules governing theatre tax.

191K. The Commissioner may, with the previous approval of the Standing Committee, make rules for securing the payment of the theatre tax and generally for carrying into effect the provisions of this Act relating to the said tax and in particular for the following matters, namely :—

(*a*) the publication of the rates of the theatre tax determined by the Corporation ;

(*b*) the entertainments or classes of entertainments exempted from the payment of the tax and the extent to which they are so exempted ;

(*c*) when and to what extent the amount of the tax paid may be refunded ;

(*d*) the form in which and the intervals at which the return shall be submitted to the Commissioner under section 191H ;

(*e*) the form of notice of demand under section 191J.]

Town-duties.

Town-duties at what rates and on what articles leviable.

192. (*1*) Except as hereinafter provided, duties, at rates not exceeding those respectively specified in Schedule H shall be levied in respect of the several articles mentioned in the said Schedule or of so many of them as the corporation shall from year to year, in accordance with section 128, determine when the said articles are imported from any place into [1][Greater Bombay].

(*2*) The said duties shall be called " town duties ".

Table of rates of town-duties to be affixed on certain places.

193. The Commissioner shall cause tables of the town-duties for the time being leviable, specifying the rates at which and the articles on which the same are leviable, to be printed in the English, Gujarati, Marathi and Urdu languages and to be affixed in a conspicuous position at every place at which the same duties are levied.

Exemption of articles belonging to the [4][Government] from town-duty.

194. (*1*) No town-duty shall be leviable on any article which at the time of its importation, is certified by an officer empowered [2][by the Government concerned] in this behalf to be the property [3][of the [4][Government]].

Refund of town-duty on articles which become the property of the [4][Government] after importation.

(*2*) If any article on which town-duty is paid is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with [5][the [6][State] Government] or otherwise for the use of [7][the [3][Government]], the full amount of the duty paid thereon shall be refunded on production, at any time within six months after importation, of a certificate signed by an officer empowered by [8][the Government concerned] in this behalf certifying that the article so imported has become the property of [7][the [4][Government]].

---

[1] These words were substituted for the words " the city " by Bom. 7 of 1950, s .6 (*1*).

[2] The words " by the Government concerned " were substituted for the words " by Government " by the Adaptation of Indian Laws Order in Council.

[3] The words " of the Crown " were substituted for the words " of Government " *ibid.*

[4] This word was substituted for the original by the Adaptation of Laws Order, 1950.

[5] The words " the Provincial Government " were substituted for the word " Government ", by the Adaptation of Indian Laws Order in Council.

[6] This word was substituted for the original by the Adaptation of Laws Order, 1950.

[7] The words " the Crown " were substituted for the word " Government ", by the Adaptation of Indian Laws Order in Council.

[8] The words " the Government concerned " were substituted for the word " Government " *ibid.*

Exemption of articles belonging to certain Consular Officers from town-duty.

*[1][**194-1A.** Any articles imported by or on behalf of such diplomatic or consular officers stationed at Bombay as may be specified in this behalf by the State Government by any special or general order shall be exempted from the levy of town-duty to such extent and subject to such conditions as may be specified in the said order.]

Exemption of articles imported for immediate exportation.

[2][**194A.** Subject to such rules, not inconsistent with this Act, as the Commissioner, with the approval of the standing committee, shall from time to time frame in this behalf, any article imported into [3][Greater Bombay] for the purpose of immediate exportation may, at the option of the importer, be exempted from the levy of town-duty, if such article is conveyed direct from the place of import to the place of export under such supervision and on payment of such fees therefor as shall be determined in the said rules; provided that no rule framed as aforesaid shall have effect unless and until it is confirmed by [4][the [5][State] Government.]]

Refund of town duty on export.

195. *(1)* When any article upon which town-duty has been paid shall be exported from [6][Greater Bombay] [7][such amount of duty levied as is specified in sub-section *(1A)* shall, subject to the provisions contained in sub-sections *(2)* and *(3)*, be refunded.]

[8][*(1A)* The amount of duty to be refunded under sub-section *(1)* shall be 93 3/4 per centum of the town duty levied upon the articles. The balance of 6 1/4 per centum shall be credited to the municipal fund as a fee for collection and refund.]

(2) Such refunds shall be paid under such rules as the Commissioner, with the approval of the standing committee, shall from time to time frame in this behalf:

(3) Provided that—

(a) no refund shall be paid on any article, other than timber or flour, not exported within six months, or on any timber not exported within twelve months, from the date of its importation;

(b) a refund shall be claimable on all flour exported from the city, without proof of the importation of the same into the city, equal to [9][70 5/16] per centum of the amount of the duty at the time being leviable on the grain from which such flour has been prepared;

(c) no refund shall be paid unless the same is applied for within one month from the date of exportation *[10][or within such longer period as the Commissioner may in any special case or class of cases allow];

---

[1] Section 194-1A was inserted by Bom. 48 of 1950, s. 67.

[2] This section was inserted by Bom. 2 of 1911, s. 8.

[3] These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6 *(1)*.

[4] The words " the Provincial Government " were substituted for the word " Government ", by the Adaptation of Indian Laws Order in Council.

[5] This word was substituted for the original by the Adaptation of Laws Order, 1950.

[6] These words were substituted for the words " the city " by Bom. 64 of 1953, s. 4 *(1)*.

[7] This portion was substituted for the words " the full amount of the duty so paid shall, subject to the provisions therein after contained, be refunded " *ibid.*

[8] This sub-section was inserted, *ibid*, s. 4(2).

[9] These figures were substituted for the words " seventy-five", *ibid*, s. 4 (3).

[10] This portion was inserted by Bom. 48 of 1950, s. 68.

*Section 80 of Bom. 48 of 1950 reads as follows :—

Amendments made by sections 64, 65, 67, 68 and 76 to have retrospective effect.

80. *(1)* The amendments made by sections 64, 65 and 67 shall be deemed to have been made on and to have effect from the 15th day of August 1947.

(2) The amendments made by sections 68 and 76 shall be deemed to have been made on and to have effect from the 14th day of March 1944 and any order made or action taken under the said Act before the commencement of this Act shall be deemed to have been made or taken under the said Act as amended by this Act, and no prosecution, suit or other proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of any such order or action, as the case may be.

(*d*) no refund shall be made of any less amount than [1][ten rupees];

(*e*) no rule framed by the Commissioner under this section shall have effect unless and until it is confirmed by [2][the [3][State] Government].

195A. [*Levy of town-duty on raw cotton.*] *Repealed by Bom. II of 1934, s. 2.*

195B. [*Payment of 4/7ths of gross revenue to Government: Allocation of duty.*] *Repealed by Bom. II of 1934, s. 2.*

Accounts to be kept; exercise by corporation of option to take over arbitration.

[4]**195C.** (*1*) [2][The [3][State] Government] shall keep a separate account of all moneys [5][which have been paid to them by the corporation from the town-duty levied on raw cotton under section 195A, now repealed, and allotted to the provision of tenements for the working classes in the City of Bombay, as constituted on the 1st day of October 1920] of all loans raised and utilised for the provision of such tenements and of any sinking funds formed for the repayment of such loans and shall supply the corporation with a copy of the account for each year.

(*2*) The corporation shall have the right, after giving six months' previous notice in writing, to acquire from [6][the [7][Government]] on the 1st day of April 1936, or on the 1st day of April of any subsequent year the right, title and interest of [6][the [7][Government]] in all lands and buildings acquired and all buildings constructed in the City of Bombay constituted as aforesaid, with the aid of such moneys and loans, on indemnifying [6][the [7][Government]] against all then existing and all future liabilities of [6][the [7][Government]] in respect of such lands and buildings and in respect of such loans.

(*3*) For the purpose of determining the amount of any indemnity in respect of any such loan regard shall be had to any then existing sinking fund formed for the repayment of such loan: the intention being that the corporation shall pay to [2][the [3][State] Government] from time to time sufficient moneys—

(*a*) to satisfy all interest on such loan as the same may become payable by [2][the [3][State] Government]; and

(*b*) to make up, after taking into account any such sinking fund, the amount which [2][the [3][State] Government] may be liable to repay at the maturity of such loan.

(*4*) For the purpose of enabling the corporation to determine whether such right shall be exercised [2][the [3][State] Government] shall at all reasonable times after the 1st day of April 1935 cause inspection of such separate account to be given to the corporation.

(*5*) On the giving of such notice as is referred to in sub-section (*2*) the question as to the amount and form of such indemnity shall stand referred to the sole arbitration of some person to be nominated by the Chief Justice of Bombay who shall be assisted by two assessors, one to be nominated by [2][the [3][State] Government] and one by the corporation and his decision shall be final.

(*6*) Upon the corporation giving such indemnity the right, title and interest of [6][the [7][Government]] in such lands and buildings shall vest in the corporation.

---

[1] These words were substituted for the words "five rupees" by Bom. 64 of 1953, s. 4 (3).

[2] The words "the Provincial Government" were substituted for the word "Government", by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the original by the Adaptation of Laws Order, 1950.

[4] Sections 195A, 195B and 195C were inserted by Bom. 20 of 1920, s. 2.

[5] These words, figures and letter were substituted for the original words, letter, figures and brackets by Bom. 2 of 1934, s. 3.

[6] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[7] This word was substituted for the original by the Adaptation of Laws Order, 1950.

(7)
(8) } *[Sub-sections (7) and (8) were repealed by Bom. II of 1934, s. 2.]*

Definition of loan.

[1][**195D.** Loans raised and utilised for the purpose of repaying (whether directly or indirectly) loans raised and utilised [2]* * * for the provision of such tenements as are referred to in sub-section [3][(*1*) of section 195C] shall be deemed to be loans raised and utilised [2]* * * for the provision of such tenements [2]* * *.]

[4][*Education Cess.*

Levy of education cess.

195E. (*1*) For the purposes of clause (*q*) of section 61, the Corporation may with the previous sanction of the State Government levy within its area a tax hereinafter called the education cess to such extent as the Corporation may from time to time determine on all persons who are inhabitants of any particular area or specially from any particular section or sections or class or classes of such persons and in such proportions as it may direct.

(*2*) The Corporation may require the Municipal Commissioner to recover the amount of the education cess determined under sub-section (*1*) by an addition to the general tax which shall be imposed and levied in such of the municipal wards, sub-wards or sections thereof, as the Corporation may direct. Every addition to the general tax imposed under this sub-section shall be recovered by the Municipal Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of sections 147 and 148 shall apply to the education cess as if it were part of the general tax levied under this Act.

(*3*) The amount so recovered shall be credited to the municipal fund constituted under section 111.

Proportional recovery of education cess from tenants permitted.

Bom. LVII of 1947.

195F. (*1*) Notwithstanding anything contained in sections 10 and 10A of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, where under sub-section (*2*) of section 195E, the Municipal Commissioner is required to recover any amount of the education cess by an addition to the general tax, the landlord from whom such cess is recovered in respect of any premises shall be entitled to recover seventy-five per cent. of the amount of the education cess from the tenants in occupation of the premises on the date on which the liability to pay the said amount arises. The amount to be recovered from each tenant shall bear the same proportion as the rent payable by him in respect of the premises in his occupation bears to the total amount of the rent recoverable for the whole of the premises if let.

Bom. LVII of 1947.

(*2*) The recovery of any amount made by the landlord from the tenant under this section shall not be deemed to be an increase for the purposes of section 7 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.]

---

[1] Section 195D was inserted by Bom. 20 of 1920, s. 2.

[2] The words "for such schemes of improvement or" "for such schemes or" and "as the case may be" were omitted by Bom. 2 of 1934, s. 4 (*1*).

[3] These words, figures, letter and brackets were substituted for the original, *ibid*, s. 4 (*2*).

[4] This heading and sections 195E and 195F were inserted by Bom. 48 of 1950, s. 69.

Supplementary Taxation.

Any tax imposable under this Act may be increased by way of imposing supplementary taxation.

196. Whenever the corporation determine, under section 134, to have recourse to supplementary taxation in any official year, they shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied or by adding to the number of articles on which town-duties are being levied, but every such increase or addition shall be made subject to the limitations and conditions on which any such tax is imposable.

Collection of Taxes.

Property-taxes payable half-yearly in advance.

197. Each of the property-taxes shall be payable in advance in half-yearly instalments on each first day of April and each first day of October.

[1][Tax on vehicles, animals and public conveyances payable in advance.]

198. (*1*) Except as is hereinafter otherwise provided the tax on vehicles and animals [2][including the tax payable, under the proviso to clause (*g*) of sub-section (*1*) of section 181)] shall be [3][paid quarterly in advance] on each first day of April and each first day of July and each first day of October and each first day of January.

[4][(*1A*) If in any quarter a vehicle or animal becomes liable to such tax, such tax shall be leviable thereon from the earliest day in the quarter on which such vehicle or animal so becomes liable and the amount of tax leviable for such quarter shall be, if such earliest day occurs—

(*a*) in the first month of such quarter, the whole tax for such quarter,

(*b*) in the second month of such quarter, two-thirds of the tax for such quarter,

(*c*) in the last month of such quarter, one-third of the tax for such quarter,

provided that no tax shall be leviable for such quarter if such earliest day occurs within the last 10 days of such quarter.]

Bom. VII of 1920.

(*2*) Provided that in the case of any public conveyance licensed by the Police Commissioner under [5][the Bombay Public Conveyances Act, 1920] the person who keeps or lets such public conveyance for hire shall be required by the said Commissioner, before any licence is issued to him under the said Act, to pay into the municipal office the tax leviable on the said public conveyance and the animal or animals used for the same, for the whole period for which such licence is to be granted, together with the fee payable for such licence.

[6][(*3*) In the case of any vehicle falling under item 7, 8 or 9 in Schedule G other than a public conveyance referred to in sub-section (*2*), the tax leviable thereon and on the animals of the description specified in the said Schedule used or employed in drawing such vehicle shall be payable yearly in advance on the first day of April. The Commissioner shall issue a number plate in token of the payment of the tax and the owner of, or the person having possession or control of such vehicle shall affix such number plate to the vehicle.

---

[1] This marginal note was substituted for the original by Bom. 76 of 1948, s. 22.

[2] This portion was inserted by Bom. 8 of 1942, s. 10 (*1*) (*a*), read with Bom. 8 of 1948, s. 3.

[3] These words were substituted for the words "payable quarterly in arrear", *ibid.*, s. 10 (*1*) (*b*).

[4] This sub-section was inserted, *ibid.*, s. 10 (*2*).

[5] These words and figures were substituted for the original by Bom. 76 of 1948, s. 22.

[6] Sub-sections (*3*) and (*4*) were added by Bom. 20 of 1952, s. 6.

(*4*) The Municipal Commissioner shall, on or before the fifteenth day of March in every year, by advertisement in the local newspapers invite the attention of all persons concerned to their liability to pay the tax in respect of vehicles or animals referred to in sub-section (*3*).]

Town duties payable on demand.

199. [1]* * * * Town duties shall be payable on demand.

[4][Service] of bills for certain taxes.

200. (*1*) When any property tax or tax on vehicles and animals, other than [2][vehicles and animals referred to in sub-sections (*2*) and (*3*) of section 198], or any instalment of any such tax, shall have become due, the Commissioner shall, with the least practicable delay, cause to be [3][served upon] the person liable for the payment thereof a bill for the sum due.

(*2*) Every such bill shall specify the period for which, and the premises, vehicle or animal in respect of which, the tax is charged, and shall also give notice of the time within which an appeal may be preferred, as hereinafter provided, against such tax. [5][Every such bill for the payment of tax on vehicles and animals shall have printed on the reverse side of the bill the provisions of sections 188 to 191.]

When one bill may be [6][served] for several claims.

201. (*1*) All the sums due for each half-year for all or any of the three-property-taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump : Provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property under section 167.

(*2*) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to charge to such person in one or several bills, as he shall think fit the several sums payable by him on account of such properties :

Provided that if such person, by written notice to the Commissioner, request to be furnished with several bills, the Commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of his said notice :

[7][Provided however that notwithstanding anything in the foregoing proviso no person shall be entitled to be furnished with more than one bill in respect of any building or land which has been treated as comprising more than one separate property under section 158.]

Notice of demand.

202. (*1*) If the amount of tax for which any bill has been [8][served] as aforesaid is not paid into the municipal office [9][or deposited with the Commissioner within fifteen days from the service] thereof, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the form of Schedule I, or to the like effect.

---

[1] Words repealed by Bom. 7 of 1921, s. 6, are omitted, and the repeal shall have effect from 1st April 1920.

[2] This portion was substituted for the words " public conveyances and the animals used therefor " by Bom. 20 of 1952, s. 7 (*1*) (*a*).

[3] These words were substituted for the words " presented to ", *ibid*, s. 7 (*1*) (*b*).

[4] This word was substituted for the word " Presentation ", *ibid*, s. 7 (*2*).

[5] This portion was added by Bom. 8 of 1942, s. 11, read with Bom. 8 of 1948, s. 3.

[6] This word was substituted for the word " presented " by Bom. 20 of 1952, s. 8.

[7] This proviso was added by Bom. II of 1911, s. 9.

[8] This word was substituted for the word " presented " by Bom. 20 of 1952, s. 9 (*1*).

[9] These words were substituted for the words " within fifteen days from the presentation ", *ibid*, s. 9 (*2*).

(*2*) For every notice of demand which the Commissioner causes to be served on any person under this section, a fee of such amount not exceeding [1][rupees five] as shall in each case be fixed by the Commissioner shall be payable by the said person and shall be included in the costs of recovery.

[7][Distress and attachment.]

203. [2][(*1*)] If the person liable for the payment of the said tax do not within fifteen days from the service of the notice of demand pay the sum due, or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in the form of Schedule J, or to the like effect, to be issued by the Commissioner, by distress and sale of the goods and chattels of the defaulter [3][or the attachment and sale of the immovable property of the defaulter], or, if the defaulter be the occupier of any premises in respect of which a property-tax is due, by distress and sale of any goods and chattels found on the said premises [4][or, if the tax be due in respect of any vehicle or animal, by distress and sale of such vehicle or animal in whomsoever's ownership, possession or control, the same may be.

[5][(*2*) If after the service of the notice of demand the amount of the said tax is paid but the fee for the notice is not paid, the sum due on account of the said fee may be levied under a warrant in the form of Schedule J (*mutatis mutandis*) to be issued by the Commissioner in the same manner as if such sum were due on account of the tax.]

[6][(*3*) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that such property will be sold unless the amount of tax due with all costs of recovery is paid into the municipal office within 15 days.

(*4*) Such order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed in some conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land paying revenue to the State Government, in the office of the Collector.

(*5*) Any transfer of or charge on the property attached or any interest therein made without the written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.]

Goods of defaulter may be distrained wherever found.

204. The goods and chattels of any person liable for the payment of any tax, [8][or the vehicles or animals in respect of which the tax is due] for levy of which a warrant has been issued as aforesaid, may be distrained wherever the same may be found.

Inventory and notice of distress and sale.

205. The officer charged with the execution of a warrant of distress issued under section 203 shall forthwith make an inventory of the goods and chattels [9][and vehicles or animals] which he seizes under such warrant, and shall at the same time give a written notice, in the form of Schedule K [9][or in a similar form] to the person in possession thereof at the time of seizure, that the said goods and chattels [9][and vehicles or animals] will be sold as therein mentioned.

---

[1] These words were substituted for the words " One rupee " by Bom. 64 of 1953, s. 5.

[2] Section 203 was numbered sub-section (*1*) of s. 203 by Bom. 8 of 1918, s. 4.

[3] These words were inserted by Bom. 64 of 1953, s. 6 (*1*).

[4] These words were added by Bom. 8 of 1942, s. 12, read with Bom. 8 of 1948, s. 3.

[5] This sub-section was added by Bom. 8 of 1918, s. 4.

[6] Sub-sections (*3*) to (*5*) were inserted by Bom. 64 of 1953, s. 6 (*2*).

[7] These words were substituted for the word " Distress " *ibid.*, s. 6 (*3*).

[8] These words were inserted by Bom. 8 of 1942, s. 13, read with Bom. 8 of 1948, s. 3.

[9] These words were inserted, *ibid.*, s. 14.

Sale.

[1][**206.** (*1*) Where the property seized is subject to speedy and natural decay or when the expenses of keeping it in custody together with the amount to be levied is likely to exceed its value, the Commissioner shall at once give notice to the person in whose possession the property was, when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the sum due and all costs of recovery are paid forthwith.

(*2*) If not sold at once under sub-section (*1*), the property distrained or attached or, in the case of immovable property, sufficient portion thereof, if the same can be conveniently severed may, after the expiry of the period stated in sub-section (*3*) of section 203, or named in the notice served under section 205, as the case may be, be sold by public auction by order of the Commissioner, unless the warrant is suspended by him or the sum due and all costs of recovery are paid by the defaulter, and the Commissioner shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and the costs of recovery.

(*3*) The surplus, if any, shall be forthwith credited to the municipal fund, but, if the same be claimed by a written application to the Commissioner within one year from the date of the sale, a refund thereof shall be made to the person in possession of the property at the time of seizure or attachment and any surplus not claimed within one year as aforesaid shall be the property of the Corporation.

(*4*) Where the sum due and all costs of recovery are paid by the defaulter before a sale is effected, the property seized shall be returned to him and the attachment, if any, of immovable property, shall be deemed to have been removed.

(*5*) Sales of immovable property under this section shall be held in the manner laid down in the regulations made by the Commissioner in this behalf with the approval of the Standing Committee.

(*6*) After the sale of the immovable property as aforesaid, the Commissioner shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(*7*) It shall be lawful for the Commissioner on behalf of the Corporation to bid in the case of any immovable property put up for sale, provided the previous approval of the Improvements Committee is obtained whether generally or for any particular property.

(*8*) Subject to sub-section (*7*), no officer or servant in the service of the Corporation shall directly or indirectly purchase any property at any such sale.

(*9*) The Commissioner may direct the removal from the immovable property by any police officer of any person who obstructs him in any action taken in pursuance of sub-section (*6*) and may also use such force as is reasonably necessary to effect entry on the said property.]

Fees for distraints and attachments and maintenance of animals.

[2][**207.** For every distraint or attachment made under this Act a fee shall be charged at the rate set forth in Schedule L, and for the maintenance of any animal, fees shall be charged at such rate as the Standing Committee may from time to time specify. All such fees shall be included in the costs of recovery.]

Penalty.

[3][**207-A.** (*1*) If the person liable for the payment of any tax in respect of which a notice of demand has been served under section 202 does not pay the sum due within three months of the service of such notice and if no appeal is preferred against the said tax under section 217, he shall be liable to pay such amount by way of penalty, as may be determined by the Commissioner, not exceeding twenty per centum of the amount of the tax.

---

[1] This section was substituted for the original by Bom. 64 of 1953, s. 7.

[2] Section 207 was substituted for the original, *ibid* s. 8.

[3] Section 207A was inserted, *ibid.*, s. 9.

(*2*) The order of the Commissioner determining the amount of penalty shall be served on such person in the manner provided for the service of a notice of demand.

(*3*) If the amount of the penalty referred to in sub-section (*2*) is not paid within fifteen days of the service of the order of the Commissioner it shall be recoverable by distress and sale of the goods and chattels or attachment and sale of the immovable property of the defaulter as if the amount were a property tax due by him and may be levied under a warrant in the form of Schedule J (*mutatis mutandis*).]

Fees for cost of recovery [2][and penalty may be remitted.]

208. The Commissioner may, in his discretion, remit the whole or any part of any fee chargeable under the last - preceding section or under sub-section (*2*) of section 202 [1][and the penalty payable under section 207-A].

Seizure of vehicles and animals if tax on vehicles and animals not paid and number-plate not obtained.

[3][**208A.** (*1*) If the tax on any vehicle or animal governed by the provisions of sub-section (*3*) of section 198, is not paid and a number-plate is not obtained and affixed to the vehicle within thirty days from the date on which the tax became due, the Commissioner may at any time thereafter seize and detain the vehicle and the animal or animals, if any, used or employed in drawing the vehicle and, if the owner or other person entitled thereto does not within seven days from the date of such seizure and detention claim the same and pay the tax due together with the charges incurred in connection with the seizure and detention, the Commissioner may cause the same to be sold and apply the proceeds of the sale or such part thereof as shall be requisite in discharge of sum due and the charges incurred as aforesaid :

Provided that if any person becomes the owner or obtains possession or control of any vehicle or animal on which the tax is due after the expiry of the said period of thirty days and the tax thereon has remained unpaid, he shall pay the same in the manner prescribed immediately after he becomes the owner or obtains possession or control of such vehicle or animal and on failure to do so the vehicle or animal shall, if it is not already seized and detained be liable to be seized and detained and sold as aforesaid :

Provided further that no vehicle or animal used therefor shall be seized and detained under this section when actually employed in the conveyance of goods.

(*2*) The surplus, if any, remaining after the application of the proceeds of a sale under sub-section (*1*) in the manner provided therein shall be disposed of in the manner prescribed in sub-section (*2*) of section 206.]

When occupiers may be held liable for payment of property taxes.

209. (*1*) If the sum due on account of any property-tax remains unpaid after a bill for the same has been duly [4][served on] the person primarily liable for the payment thereof and the said person be not the occupier for the time being of the premises in respect of which the tax is due, the Commissioner may [5][serve a bill for the amount on] the occupier of the said premises, or, if there are two or more occupiers thereof, may [6][serve a bill on] each of them for such portion of the sum due as bears to the whole amount due the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

(*2*) If the occupier or any of the occupiers fails within fifteen days from the [7][service] of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the foregoing provisions.

---

[1] These words, figures and letter were inserted by Bom. 64 of 1953, s. 10 (*1*).

[2] These words were inserted, *ibid*, s. 10 (*2*).

[3] Section 208A was inserted by Bom. 20 of 1952, s. 10.

[4] These words were substituted for the words " presented to", *ibid*, s. 11 (*1*).

[5] These words were substituted for the words " present a bill for the amount to", *ibid.*

[6] These words were substituted for the words " present a bill to", *ibid.*

[7] This word was substituted for the word " presentation", *ibid*, s. 11 (*2*).

(*3*) No arrear of a property-tax shall be recovered from any occupier under this section, which has remained due for more than one year, or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(*4*) If any sum is paid by, or recovered from an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

Summary proceedings may be taken against persons about to leave the city.

210. (*1*) If the Commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any property tax or tax on vehicles and animals, [1][or theatre tax] [2]* * * * * * * * is about forthwith to remove from [3][Greater Bombay] the Commissioner may direct the immediate payment by such person of the sum so due [2]* * * by him and cause a bill for the same to be [4][served on] him.

(*2*) If, on [5][service] of such bill, the said person do not forthwith pay the sum due [2]* * * * by him, the amount shall be leviable by distress and sale in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the Commissioner's warrant for distress and sale may be issued and executed without any delay.

Defaulters may be sued for arrears, if necessary.

211. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, by such defaulter, on account of a property-tax or of the tax on vehicles and animals, may be recovered from him by a suit in any court of competent jurisdiction.

Property-taxes to be a first charge on premises on which they are assessed.

212. Property-taxes due under this Act in respect of any building or land shall, subject to the prior payment of the land-revenue, if any, due to [6][the [7][State] Government] thereupon be a first charge [8][in the case of any building or land held immediately from the [9][Government] upon the interest in such building or land of the person liable for such taxes and upon the goods and chattels, if any, found within or upon such building or land and belonging to such person; and, in the case of any other building or land, upon the said building or land and upon the goods and chattels, if any, found within or upon such building or land and belonging to the person liable for such taxes.

Collection of town-duties how to be effected.

213. (*1*) [10]* * * Town-duties—

(*a*) may be collected, under the orders of the Commissioner, by municipal officers and servants appointed in this behalf; or

(*b*) if the Commissioner thinks fit, may, with the approval of the standing committee, be framed by him for any period not exceeding one year at a time or be collected by or under the orders of any person whom the Commissioner, with the approval of the standing committee, appoints to be his agent for this purpose.

---

[1] These words were inserted by Bom. 30 of 1951, s. 4.

[2] Words deleted by s. 16 of Bom. 8 of 1942, read with Bom. 8 of 1948, s. 3 are omitted.

[3] These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6 (*1*).

[4] These words were substituted for the words " presented to " by Bom. 20 of 1952, s. 12 (*1*).

[5] This word was substituted for the word " presentation ", *ibid*, s. 12 (*2*).

[6] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[7] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[8] These words were inserted by Bom. 1 of 1942, s. 2, read with Bom. 8 of 1948, s. 2.

[9] This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

[10] Words repealed by Bom. 7 of 1921, s. 7 (*a*), are omitted and the repeal shall have effect from 1st April 1920.

(2) [1]* * * Town-duties shall be collected, and refunds of town-duties shall be made, at such places and be managed and controlled in such manner, as the Commissioner, with the approval of the standing committee, shall from time to time direct.

214. [*Repealed by Bom. VII of 1921.*]

Powers of persons authorised to collect and refund town-duties.

215. Every person authorised under section 213 to collect or to refund town-duties shall have, in respect of the collection of the said duties and of paying refunds and of the confiscation of goods in connection therewith, the same powers as are conferred by any law at the time in force on the Commissioner of Customs of Bombay and the officers subordinate to him in respect of the levy of customs-duties and of the grant of drawbacks and of the confiscation of goods in connection therewith, and shall also have the same privileges and be subject to the same liabilities in respect of anything done by him in or for the purpose of collecting or refunding town-duties as the said Commissioner of Customs and the officers subordinate to him have or are subject to, under any law at the time in force relating to customs-duties.

Writing off of irrecoverable taxes.

216. The Commissioner may, with the approval of the standing committee, from time to time write off any sum due on account of any tax or of the costs of recovering any tax, which shall, in his opinion, be irrecoverable.

Appeals against Valuations and Taxes.

Appeals when and to whom to lie.

[2] **217.** (*1*) Subject to the provisions hereinafter contained, appeals against any rateable value or tax fixed or charged under this Act shall be heard and determined by the Chief Judge of the Small Cause Court.

(*2*) But no such appeal shall be heard by the said Chief Judge, unless—

(*a*) it is brought within fifteen days after the accrual of the cause of complaint;

(*b*) in the case of an appeal against a rateable value a complaint has previously been made to the Commissioner under section 163, and such complaint has been disposed of;

(*c*) in the case of an appeal against any amendment made in the assessment-book under section 167 during the official year, a complaint has been made by the person aggrieved within fifteen days after he first received notice of such amendment, and his complaint has been disposed of;

(*d*) in the case of an appeal against a tax, or in the case of an appeal made against a rateable value after a bill for any property-tax assessed upon such value has been [3][served on] the appellant, the amount claimed from the appellant has been deposited by him with the Commissioner.

Cause of complaint when to be deemed to have accrued.

218. For the purposes of the last preceding section, cause of complaint shall be deemed to have accrued as follows, namely—

(*a*) in the case of an appeal against a rateable value, on the day when the complaint made to the Commissioner under section 163 against such value is disposed of;

---

[1] Words repealed by Bom. 7 of 1921, s. 7 (*b*), are omitted, and the repeal shall have effect from 1st April 1920.

[2] As to references by the Chief Judge of the Court of Small Causes to the High Court, before or on the hearing of an appeal under section 217—*see* Act 12 of 1888, s. 2.

[3] These words were substituted for the words "presented to" by Bom. 20 of 1952, s. 13.

(*b*) in the case of an appeal against any amendment made in the assessment-book, under section 167, during the official year, on the day when the complaint made to the Commissioner by the person aggrieved against such amendment is disposed of;

(*c*) in the case of an appeal against a tax, on the day when payment thereof is demanded or when a bill therefor is [1][served].

[2][**218A.** Where in any appeal under section 217 all the parties interested agree that any matter in difference between them shall be referred to arbitration, they may, at any time before a decision is given in such appeal, apply in writing to the Chief Judge of the Small Cause Court for an order of reference on such matter and on such application being made, the provisions of the Arbitration Act, 1940, relating to arbitration in suits shall, so far as they can be made applicable, apply to such application and the proceedings to follow thereon, as if the said Chief Judge were a Court withing the meaning of that Act and the application were an application made in a suit.] **Arbitration.** X of 1940.

[2][**218B.** (*1*) If any party to an appeal against a rateable value under section 217 makes an application to the Chief Judge of the Small Cause Court either before the hearing of the appeal or at any time during the hearing of the appeal, but before evidence as to value has been adduced, to direct a valuation of any premises in relation to which the appeal is made, the Chief Judge may, in his discretion, appoint a competent person to make the valuation and any person so appointed shall have power to enter on, survey and value the premises in respect of which the direction is given: **Appointment of expert valuer.**

Provided that, except when the application is made by the Commissioner, no such direction shall be made by the Chief Judge unless the applicant gives such security as the Chief Judge thinks proper for the payment of the costs of valuation under this sub-section.

(*2*) The costs incurred for valuation under sub-section (*1*) shall be costs in the appeal, but shall be payable in the first instance by the applicant.

(*3*) The Chief Judge may, and on the application of any party to the appeal shall, call as a witness the person appointed under sub-section (*1*) for making the valuation and, when he is so called, any party to the appeal shall be entitled to cross-examine him.]

[2][**218C.** (*1*) If, before or on the hearing of an appeal under section 217, any question of law or usage having the force of law, or the construction of a document arises, the Chief Judge of the Small Cause Court may, and on the application of any party to the appeal shall, draw up a statement of the facts of the case and the question so arising, and refer the statement with his own opinion on the point for the decision of the High Court. **Reference to High Court.**

(*2*) Where a reference is made to the High Court under sub-section (*1*), the provisions of Rules 2 to 5, both inclusive, of Order XLVI in the First Schedule to the Code of Civil Procedure, 1908, shall, so far as they can be made applicable, apply to the said Chief Judge and to the High Court, respectively.] V of 1908.

[2][**218D.** (*1*) An appeal shall lie to the High Court— **Appeals.**

(*a*) from any decision of the Chief Judge of the Small Cause Court in an appeal under section 217 by which a rateable value in excess of two thousand rupees is fixed, and

---

[1] This word was substituted for the word "presented" by Bom. 20 of 1952, s. 14.

[2] Sections 218A, 218B, 218C, 218D and 218E were inserted by Bom. 76 of 1948, s. 23.

(*b*) from any other decision of the said Chief Judge in an appeal under the said section, upon a question of law or usage having the force of law or the construction of a document.

V of 1908. (*2*) The provisions of the Code of Civil Procedure, 1908, with respect to appeals from original decrees shall, so far as they can be made applicable, apply to appeals under sub-section (*1*) and orders passed therein by the High Court may on application to the said Chief Judge be executed by him as if they were decrees made by himself:

Provided that no such appeal shall be heard by the High Court unless it is filed within one month from the date of the decision of the Chief Judge.]

[1][218E. The costs of all proceedings in appeal under section 217 before the Chief Judge of the Small Cause Court including those of arbitration under section 218A and of valuation under section 218B shall be payable by such parties in such proportion as the Chief Judge of the Small Cause Court shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Small Cause Court.] Costs of proceedings in appeal.

219. (*1*) Every rateable value fixed under this Act against which no complaint is made as hereinbefore provided, and Unappealed values and taxes and decisions on appeal to be final.

the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made as hereinbefore provided, and

the decision of the Chief Judge aforesaid upon any appeal against any such value or tax, [2][if no appeal is made therefrom under section 218D], shall be final.

(*2*) Effect shall be given by the Commissioner to every decision of the said Chief Judge on any appeal against any such value or tax.

CHAPTER IX.

DRAINS AND DRAINAGE WORKS.

Municipal Drains.

220. All drains [3][vesting in or] belonging to the corporation—which in this Act are referred to as "municipal drains"—shall be under the control of the Commissioner. Municipal drains to be under the control of the Commissioner.

[4][220A. (*1*) Any natural water-course heretofore belonging to [5][Government] by which rain-water or drainage of any kind is carried, may, on application to [6][the [7][State] Government] made by the Commissioner with the previous approval of the standing committee, be vested in the corporation: Provided that— Vesting of water-courses.

(*a*) it shall be in the discretion of [6][the [7][State] Government] in each case to determine whether a particular water-course so applied for shall be so vested, and

(*b*) a resolution of [6][the [7][State] Government] declaring that a water-course so applied for may be made over to the corporation shall, from the date thereof, operate to vest such water-course in the corporation.]

---

[1] Sections 218A, 218B, 218C, 218D and 218E were inserted by Bom. 76 of 1948, s. 23.
[2] This portion was inserted, *ibid*, s. 24.
[3] These words were inserted by Bom. 5 of 1905, s. 10.
[4] Section 220A, was added, *ibid*, s. 11.
[5] This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.
[6] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
[7] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Drains to be constructed and kept in repair by the Commissioner.

221. [1][(*1*) The Commissioner shall maintain and keep in repair all municipal drains and, when authorised by the corporation in this behalf, shall construct such new drains as shall from time to time be necessary for effectually draining [2][Greater Bombay].

[3][(*2*) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the municipal fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under any part of such street and the portion of any connecting drain so laid under the street shall vest in the corporation and be maintained and kept in repair by the Commissioner as a municipal drain.]

Powers for making drains.

222. (*1*) The Commissioner may carry any municipal drain through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within [2][Greater Bombay], or, for the purpose of outfall or distribution of sewage, without [2][Greater Bombay.]

(*2*) The Commissioner may enter upon, and construct any new drain in the place of an existing drain in, any land wherein any municipal drain has been already lawfully constructed or repair or alter any municipal drain so constructed.

(*3*) In the exercise of any power under this section, as little damage as can be shall be done, and compensation shall be paid by the Commissioner to any person who sustains damage by the exercise of such power.

Buildings, etc., not to be erected without permission over drains

223. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any municipal drain.

(*2*) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Alteration and discontinuance of drains

224. (*1*) The Commissioner may enlarge, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion become useless or unnecessary:

(*2*) Provided that the discontinuance, closing up or destruction of any drain shall be so done as to create the least practicable nuisance or inconvenience to any person, and, if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed.

Cleansing drains.

225. (*1*) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(*2*) For the purpose of flushing, cleansing and emptying the said drains, the Commissioner may, when authorized by the corporation in this behalf, construct or set up such reservoirs, sluices, engines and other works, as he shall from time to time deem necessary.

---

[1] Section 221 was renumbered 221, sub-section (*1*), by Bom. 5 of 1905, s. 12(*1*).
[2] These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6(*1*).
[3] Sub-section (*2*) was inserted by Bom. 5 of 1905, s. 12(*2*).

226. [*Repealed by Bom. V of 1905.*]

Drains of Private Streets and Drainage of Premises.

227. The owner of a private street shall be entitled to connect the drain of such street with a municipal drain, subject to the following conditions, namely--

Power to connect drains of private streets with municipal drains.

(*a*) before commencing to construct such drain, the owner of the street shall submit to the Commissioner a plan of the street, bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn, to such a convenient scale as the Commissioner shall require, and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner shall deem necessary and require, and no such drain shall be proceeded with without the approval in writing or contrary to the directions of the Commissioner;

(*b*) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the municipal drain in such manner and form of communication, in all respects, as the Commissioner, with the approval of the standing committee, shall direct;

(*c*) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

228. The owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain [1][or other place legally set apart for the discharge of drainage,] provided that he first obtains the written permission of the Commissioner and that he complies with such conditions as the Commissioner prescribes as to the mode in which and the superintendence under which [2][connections with municipal drains or other places aforesaid] are to be made.

Power of owners and occupiers of premises to drain into municipal drains.

229. No person shall, without complying with the provisions of section 227 or 228, as the case may be, make or cause to be made any connection of a drain belonging to himself or to some other person with any municipal drain [1][or other place legally set apart for the discharge of drainage]; and the Commissioner may, with the approval of the standing committee, close, demolish, alter or re-make any such connection made in contravention of this section, and the expenses incurred by the Commissioner in so doing shall be paid by the owner of the street, or the owner or occupier of the premises, for the benefit of which the connection was made, or by the person offending.

Connections with municipal drains not to be made except in conformity with section 227 or 228.

[3][**229A.** (*1*) Without the written permission of the Commissioner no building, wall or other structure shall be newly erected over any drain.

Buildings, etc., not to be erected without permission over any drains.

(*2*) If any building, wall or other structure be so erected, the Commissioner, after giving the offending person ten days' notice of his intention, may apply for the approval of the standing committee and may with their approval remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.]

---

[1] These words were inserted by Bom. 5 of 1905, s. 14 (*1*).

[2] These words were substituted for the original words, *ibid.*, s. 15.

[3] This section was inserted by Bom. 8 of 1918, s. 5.

Right of owners and occupiers of premises to carry drains through land belonging to other persons.

230. (*1*) If it shall appear to the Commissioner that the only means or the most convenient means, by which the owner or occupier of any premises can cause his drain to empty into a municipal drain [1][or other place legally set apart for the discharge of drainage,] is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Commissioner, after giving to the owner of the land a reasonable opportunity of stating any objection, may, with the approval of the standing committee, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

(*2*) Every such order, bearing the signature of the Commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(*3*) Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent or person employed by him for this purpose, may after giving to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(*4*) In executing any work under this section, as little damage as can be shall be done, and the owner or occupier of premises [2][for the benefit of which] the work is done shall—

(*a*) cause the work to be executed with the least practicable delay;

(*b*) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction, opened, broken up or removed for the purpose of executing the said work;

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

(*5*) If the owner of any land, into, through or under which a drain has been carried under this section whilst such land was unbuilt upon, shall, at any time afterwards, desire to erect a building on such land, the Commissioner shall, with the approval of the standing committee, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the said committee, and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same: Provided that no such requisition shall be made, unless, in the opinion of the standing committee, it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

---

[1] These words were inserted by Bom. 5 of 1905, s. 14 (*1*).

[2] These words were substituted for the original words, *ibid.*, s. 16.

Owner of land to allow others to carry drains through the land.

[1][230A. Every owner of land shall be bound to allow any person, in whose favour an order has been made under section 230, sub-section (*1*), to carry a drain into, through or under the land of such owner on such terms as may be prescribed in such order.]

Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.

231. Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain or some place legally set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

(*a*) to make a drain of such material, size and description and laid at such level [2][and according to such alignment] and with such fall and outlet as may appear to the Commissioner necessary, emptying into such municipal drain or place aforesaid :

[3][Provided that, where any premises have already been drained under municipal rules and have to be re-drained, no such requisition shall be made without the previous sanction of the standing committee ;]

(*b*) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith ;

(*c*) to remove any existing drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.

232. (*1*) Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, but no municipal drain or such place as aforesaid is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

[4][(*a*) to construct a drain up to a point to be prescribed in such notice, but not distant more than one hundred feet from some part of the said premises, or

(*b*) to construct a closed cesspool of such material, size and description in such position, at such level, and with allowance for such fall as the Commissioner thinks necessary, and drain or drains emptying into such cesspool].

[5][(*2*) Any requisition for the construction of any drain under sub-section (*1*) may comprise any detail specified in clause (*a*), (*b*) or (*c*) of section 231.]

Power of Commissioner to drain premises in combination.

[6][232A. (*1*) Where the Commissioner is of opinion that any group or block of premises, any part of which is situate within one hundred feet of a municipal drain, or other place legally set apart for the discharge of drainage, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately, the Commissioner may, with the approval of the standing committee, cause such group or block of premises to be drained by such method as appears to the Commissioner to be best suited therefor, and the expenses incurred by the Commissioner in so doing shall be paid by the owners of such premises in such proportions as the standing committee may think fit.

---

[1] This section was inserted by Bom. 8 of 1918, s. 6.
[2] These words were inserted by Bom. 5 of 1905, s. 17 (*a*).
[3] This proviso was added, *ibid*, s. 17 (*b*).
[4] These words were substituted for the original words by Bom. 5 of 1905, s. 18 (*a*).
[5] Sub-section (*2*) was substituted for the original sub-section, *ibid*., s. 18 (*b*).
[6] Section 232A was inserted, *ibid*., s. 19.

(*2*) Not less than fifteen days before any work under this section is commenced, the Commissioner shall give written notice to the owners of all the premises to be drained, of—

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and

(*c*) the proportion of such expenses payable by each owner.

(*3*) The owners for the time being of the several premises constituting a group or block drained under sub-section (*1*) shall be the joint owners of every drain, constructed, erected or fixed, or continued, for the special use and benefit only of such premises, and shall, in the proportions in which it is determined that the owners of such premises, are to contribute to the expenses incurred by the Commissioner under sub-section (*1*), be responsible for the expense of maintaining every such drain in good repair and efficient condition, but every such drain shall from time to time be flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund.]

Commissioner may close or limit the use of existing private drains.

233. (*1*) Where a drain connecting any premises with a municipal drain [1][or other place legally set apart for the discharge of drainage] is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of [2][Greater Bombay], [3][or of the part of [2][Greater Bombay] in which such drain is situated], the Commissioner, with the approval of the standing committee may—

(*a*) subject to the provision of sub-section (*2*), close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done;

[4][(*b*) direct that such drain shall, from such date as he prescribes in this behalf, be used for sullage and sewage only, or for rain-water only, or for unpolluted sub-soil water only, or for both rain-water and unpolluted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely-distinct drain for rain-water or unpolluted sub-soil water, or for both rain-water and unpolluted sub-soil water, or for sullage and sewage.]

(*2*) No drain may be closed, discontinued or destroyed by the Commissioner under clause (*a*), except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any municipal drain [5][or other place aforesaid] which the Commissioner thinks fit; and the expenses of the construction of any drain so provided by the Commissioner and of any work done under clause (*a*) shall be paid by the Commissioner.

(*3*) Any requisition made by the Commissioner under clause (*b*) may embrace any detail specified in clause (*a*) or clause (*b*) of section 231.

Vesting and maintenance of drains for sole use of properties.

[6][**233A.** Subject to the provisions of sub-section (*2*) of section 221, every drain which has been constructed, [7][laid], erected or set up, whether at the expense of the corporation or not, or which is continued, for the sole use and benefit of any premises [8][or group of premises] shall—

(*a*) notwithstanding anything contained in section 242, vest in the owner of such premises [9][or group of premises] on and from the thirtieth day of September 1905; and

---

[1] These words were inserted by Bom. 5 of 1905, s. 14 (*1*).

[2] These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6 (*1*).

[3] These words were inserted by Bom. 5 of 1905, s. 20(*a*).

[4] This clause was substituted for the original clause (*b*), *ibid*, s. 20(*b*).

[5] These words were inserted, *ibid*, s. 14.

[6] Section 233A was inserted, *ibid*, s. 21.

[7] The word " laid " was inserted by Bom. 8 of 1918, s. 7(*a*).

[8] These words were inserted, *ibid*, s. 7(*b*).

[9] These words were inserted, *ibid*, s. 7(*c*).

(*b*) in the case of an appeal against any amendment made in the assessment-book, under section 167, during the official year, on the day when the complaint made to the Commissioner by the person aggrieved against such amendment is disposed of;

(*c*) in the case of an appeal against a tax, on the day when payment thereof is demanded or when a bill therefor is [1][served].

[2][218A. Where in any appeal under section 217 all the parties interested agree that any matter in difference between them shall be referred to arbitration, they may, at any time before a decision is given in such appeal, apply in writing to the Chief Judge of the Small Cause Court for an order of reference on such matter and on such application being made, the provisions of the Arbitration Act, 1940, relating to arbitration in suits shall, so far as they can be made applicable, apply to such application and the proceedings to follow thereon, as if the said Chief Judge were a Court withing the meaning of that Act and the application were an application made in a suit.] Arbitration. X of 1940.

[2][218B. (*1*) If any party to an appeal against a rateable value under section 217 makes an application to the Chief Judge of the Small Cause Court either before the hearing of the appeal or at any time during the hearing of the appeal, but before evidence as to value has been adduced, to direct a valuation of any premises in relation to which the appeal is made, the Chief Judge may, in his discretion, appoint a competent person to make the valuation and any person so appointed shall have power to enter on, survey and value the premises in respect of which the direction is given: Appointment of expert valuer.

Provided that, except when the application is made by the Commissioner, no such direction shall be made by the Chief Judge unless the applicant gives such security as the Chief Judge thinks proper for the payment of the costs of valuation under this sub-section.

(*2*) The costs incurred for valuation under sub-section (*1*) shall be costs in the appeal, but shall be payable in the first instance by the applicant.

(*3*) The Chief Judge may, and on the application of any party to the appeal shall, call as a witness the person appointed under sub-section (*1*) for making the valuation and, when he is so called, any party to the appeal shall be entitled to cross-examine him.]

[2][218C. (*1*) If, before or on the hearing of an appeal under section 217, any question of law or usage having the force of law, or the construction of a document arises, the Chief Judge of the Small Cause Court may, and on the application of any party to the appeal shall, draw up a statement of the facts of the case and the question so arising, and refer the statement with his own opinion on the point for the decision of the High Court. Reference to High Court.

(*2*) Where a reference is made to the High Court under sub-section (*1*), the provisions of Rules 2 to 5, both inclusive, of Order XLVI in the First Schedule to the Code of Civil Procedure, 1908, shall, so far as they can be made applicable, apply to the said Chief Judge and to the High Court, respectively.] V of 1908.

[2][218D. (*1*) An appeal shall lie to the High Court— Appeals.

(*a*) from any decision of the Chief Judge of the Small Cause Court in an appeal under section 217 by which a rateable value in excess of two thousand rupees is fixed, and

---

[1] This word was substituted for the word "presented" by Bom. 20 of 1952, s. 14.

[2] Sections 218A, 218B, 218C, 218D and 218E were inserted by Bom. 76 of 1948, s. 23.

[1][(*b*) be provided with all such further appliances and fittings as may appear to the Commissioner necessary for the more effectual working of the same, and also be maintained in good repair and efficient condition by the owner of such premises or group of premises, and be from time to time flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund].]

New building not to be erected without drains.

234. (*1*) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed of such size, materials and description, at such level and with such fall, as shall appear to the Commissioner to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

(*2*) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage situated at a distance not exceeding one hundred feet from [2][the premises in which such building is situated]; but if no such drain or place is within that distance, then such drain shall empty into such cesspool as the Commissioner directs.

Excrementitious matter not to be passed into cesspool.

235. No person shall, except with the permission of the Commissioner pass or cause or permit to be passed any excrementitious matter into any cesspool made or used under section 232 or section 234, or into any drain communicating with any such cesspool.

Obligation of owners of drains to allow use thereof or joint ownership therein to others.

236. Every owner of a drain connected with a municipal drain [3][or other place legally set apart for the discharge of drainage] shall be bound to allow the use of it to others, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 228.

How right of use or joint ownership of a drain may be obtained by a person other than the owner.

237. Any person desiring to drain his premises into a municipal drain, through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain, or may apply to the Commissioner for authority to use such drain or to be declared joint owner thereof.

Commissioner may authorise person other than the owner of a drain to use the same or declare him to be a joint owner thereof.

238. (*1*) [4][Where the Commissioner is of opinion, whether on receipt of such application or otherwise, that the only, or the most convenient, means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place legally set apart for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid, but belonging to some person other than the said owner or occupier, the Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, with the approval of the standing committee, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, either authorize the [1][said owner or occupier] to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the [1][said premises] with the [2][communicating drain] and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the joint drain, or otherwise, as may appear to him equitable.

---

[1] This clause was substituted for the original clause (*b*) by Bom. 8 of 1918, s. 7 (*d*).

[2] These words were substituted for the original words by Bom. 5 of 1905, s. 22.

[3] Thes words were inserte, *ibid.*, s. 14 (*1*).

[4] These words were substituted for the original words, *ibid.*, s. 23 (*a*).

(*2*) Every such order bearing the signature of the Commissioner shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situate, with assistants and workmen, at any time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for—

(*a*) connecting the two drains; or

(*b*) renewing, repairing or altering the connection; or

(*c*) discharging any responsibility attaching to the person in whose favour the Commissioner's order is made for maintaining, repairing, flushing, cleaning or emptying the joint drain or any part thereof.

(*3*) In respect of the execution of any work under sub-section (*2*), the person in whose favour the Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (*4*) of section 230.

Sewage and rain-water drains to be distinct.

239. Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Commissioner to require that there shall be one drain for sullage, excrementitious matter and polluted water and another and an entirely distinct drain for rain-water and unpolluted sub-soil water or for both rain-water and unpolluted sub-soil water, each emptying into separate municipal drains [3][or other places legally set apart for the discharge of drainage] or other suitable places.

Drains not to pass beneath buildings.

240. Except with the written permission of the Commissioner, and in conformity with such conditions as shall be prescribed by the standing committee, either generally or specially, in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

Position of cesspools.

[4][**241.** No person shall construct a cesspool—

(*a*) beneath any part of any building, or within twenty feet of any lake, tank, reservoir, stream, spring or well; or

(*b*) upon any site or in any position which has not been approved in writing by the Commissioner.]

---

[1] These words were substituted for the original words by Bom. 5 of 1905, s. 23 (*b*) (*i*).

[2] These words were substituted for the original words, *ibid.*, s. 23 (*b*) (*ii*).

[3] These words were inserted, *ibid.*, s. 14 (*1*).

[4] Section 241 was substituted for the original section, *ibid.*, s. 24.

Right of corporation to drains, etc., constructed, etc., at charge of municipal fund on premises not belonging to the corporation.

242. All drains, ventilation-shafts and pipes and all appliances and fittings connected with drainage-works constructed, erected or set up at the charge of the municipal fund upon premises not belonging to the corporation, whether before or after the passing of this Act, and [1][otherwise than for the sole use and benefit of the said premises], shall, unless the corporation has otherwise determined or shall at any time otherwise determine, vest, and be deemed to have always vested, in the corporation.

All drains and cesspools to be properly covered and ventilated.

243. (*1*) Every drain and cesspool, whether belonging to the corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

(*2*) The Commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the corporation.

Affixing of pipes for ventilation of drains, etc.

244. (*1*) For the purpose of ventilating any drain or cesspool, whether belonging to the corporation or to any other person, the Commissioner may erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as shall appear to the Commissioner necessary [2][and cut through any projection from any building (including the eaves of any roof thereof) in order to carry up such shaft or pipe through any such projection; and lay in, through, or under any land, such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain or cesspool intended to be ventilated]:

(*2*) Provided that any shaft or pipe so erected or affixed shall—

(*a*) be carried at least [3][fifteen] feet higher than any sky-light or window situated within a distance of [4][forty] feet therefrom;

(*b*) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave;

(*c*) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood;

(*d*) be removed by the Commissioner to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

(*3*) If the Commissioner declines to remove a shaft or pipe under clause (*d*), the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Chief Judge of the Small Cause Court; and the said Chief Judge may, after such inquiry as he thinks fit to make, direct the Commissioner to remove the shaft or pipe and it shall be incumbent on the Commissioner to obey such order.

---

[1] These words were substituted for the original words, by Bom. 5 of 1905, s. 25.
[2] These words were added, *ibid*, s. 26 (*a*).
[3] The word "fifteen" was substituted for the word "ten", *ibid*, 26(*b*).
[4] The word "forty" was substituted for the word "twenty", *ibid*, s. 26(*b*).

[1][(*4*) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (*1*) is not the owner of the drain or cesspool intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the municipal fund.]

Disposal of Sewage.

Appointment of places for emptying of drains and disposal of sewage.

245. The Commissioner may cause all or any municipal drains to empty into the sea or other place, whether within or without [2][Greater Bombay], and dispose of the sewage at any place, whether within or without [2][Greater Bombay], and in any manner, which he shall deem suitable for such purpose: Provided that—

(*a*) the Commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not heretofore emptied, or dispose of sewage at any place or in any manner at or in which sewage has not heretofore been disposed of, without the sanction of the corporation;

(*b*) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance;

(*c*) no municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which [3][the [4][State] Government] shall think fit to disallow.

Provision of means for disposal of sewage.

246. (*1*) For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the Commissioner may, when authorized by the corporation in this behalf—

(*a*) construct any work within or without [2][Greater Bombay];

(*b*) purchase or take on lease any land, building, engine, material or apparatus either within or without [2][Greater Bombay];

(*c*) enter into an arrangement with any person for any period not exceeding twenty years, for the removal or disposal of sewage [5][within or without [2][Greater Bombay].]

(*2*) Provided that any power conferred by this section shall be exercised in such manner as to cause the least practicable nuisance.

Water-closets, Privies, Urinals, etc.

Construction of water closets and privies.

[6][**246A.** (*1*) It shall not be lawful to construct any water-closet or privy for any premises except with the written permission of the Commissioner and in accordance with such terms not being inconsistent with any by-laws for the time being in force as he may prescribe.

---

[1] Sub-section (*4*) of section 244 was added by Bom. 5 of 1905, s. 26 (*c*).

[2] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6(*1*).

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] These words were added by Bom. 5 of 1905, s. 27.

[6] Sections 246A, 247 and 248 were substituted for sections 247 and 248, *ibid*, s. 28.

(2) In prescribing any such terms the Commissioner may determine in each case—

(a) whether the premises shall be served by the water-closet or by the privy system, or partly by one and partly by the other; and

(b) what shall be the site or position of each water-closet or privy.

(3) If any water-closet or privy is constructed on any premises in contravention of sub-section (1), the Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, close such water-closet or privy, and, with the previous approval of the standing committee, alter or demolish the same, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or occupier or by the person offending.]

Water-closets and other accommodation in buildings newly erected or re-erected.

[1][247. (1) It shall not be lawful newly to erect or to re-erect any building for or intended for human habitation, or at or in which labourers or workmen are to be employed, without such water-closet or privy accommodation, and such urinal accommodation, and accommodation for bathing or for the washing of clothes and domestic utensils, as the Commissioner may prescribe.

(2) In prescribing any such accommodation the Commissioner may determine in each case—

(a) whether such building shall be served by the water-closet or by the privy system, or partly by one and partly by the other;

(b) what shall be the site or position of each water-closet, privy, urinal, or bathing or washing place, and their number.]

Where there is no such accommodation or the accommodation is insufficient or objectionable.

[1][248. (1) Where any premises are without a water-closet, or privy, or urinal, or bathing or washing place, or if the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place accommodation available for the persons occupying or employed in any premises is insufficient, inefficient, or on any sanitary grounds objectionable, the Commissioner may, with the previous approval of the standing committee, by written notice, require the owner of such premises—

(a) to provide such, or such additional, water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes;

(b) to make such structural or other alterations in the existing water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes; or

(c) to substitute water-closet accommodation for any privy accommodation.

(2) Provided that where the water-closet, privy, urinal, or bathing or washing place accommodation of any premises—

(a) has been, and is being, used in common by the persons occupying or employed in such premises and any one or more other premises, or

(b) is in the opinion of the Commissioner likely to be so used,

the Commissioner may, if he is of opinion that such accommodation is sufficient to admit of the same being used by all the persons occupying or employed in all such premises, direct in writing that separate water-closet, privy, urinal or bathing washing place accommodation need not be provided on or for each of such other premises.

---

[1] Sections 246A, 247 and 248 were substituted for sections 247 and 248 by Bom. 5 of 1905, s. 28.

(*3*) Provided also that the Commissioner may, if he is of opinion that there is sufficient municipal latrine accommodation available for all the persons occupying or employed in any premises, direct that separate water-closet, privy or urinal accommodation need not be provided for such premises.

(*4*) Any requisition under sub-section (*1*) may comprise any detail specified in sub-section (*2*) of section 247.]

Power to require privy accommodation to be provided for factories, etc.

249. Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, railway station, dock, wharf or other place of public resort, or as a place in which persons exceeding twenty in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex.

Power of Commissioner as to unhealthy privies.

[1][**249A.** Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from any building to cause injury to the health of any person occupying such building, the Commissioner, with the previous approval of the standing committee, may, by written notice, require the owner or occupier of the premises in or on which such privy is situate either—

(*a*) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy accommodation or such urinal accommodation as the Commissioner may prescribe, or

(*b*) to provide between the said privy and any portion of the said building such air-space not exceeding three feet in width, open to the sky, and situate entirely within the limits of the said premises as the Commissioner may prescribe.]

Provisions as to privies.

250. (*1*) The owner or occupier of any premises on which there is a privy shall—

(*a*) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air space of at least three feet in width and open to the sky;

(*b*) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by;

(*c*) unless and except for such period as he shall be permitted by the Commissioner, under the power next hereinafter conferred, to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street.

(*2*) Provided that the Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street, if a nuisance is not thereby created

---

[1] Section 249A was inserted by Bom. 5 of 1905, s. 29.

(*3*) Provided also that clause (*a*) shall not be deemed to apply to any privy in existence when this Act comes into force, unless—

(*d*) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause; and

(*e*) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy.

Provisions as to water-closets.

251. The owner or occupier of any premises on which there is a water-closet shall—

(*a*) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, by such means as the Commissioner shall deem sufficient;

(*b*) have such water-closet in such a position that one of its sides at the least shall be an external wall;

(*c*) have the seat of such water-closet placed against an external wall;

(*d*) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other aperture in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance;

(*e*) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary; provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose.

Position of privies and water-closets.

[1][**251A.** No person shall build a privy or water-closet in such a position or manner as—

(*a*) to be directly over or directly under any room or part of a building other than another privy or water-closet or a bathing place, bath room or terrace;

(*b*) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be, used (whether in natural or manufactured state) for human consumption or domestic purposes, or otherwise render the water of any well, spring, tank or stream liable to pollution.]

Use of places for bathing or washing clothes or domestic utensils.

[2][**251B** No person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils, any part of any premises which has not been provided with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.]

---

[1] Section 251A was inserted by Bom. 5 of 1905, s. 30.

[2] Section 251B was inserted, *ibid.*, s. 31.

Public necessaries.

252. The Commissioner shall provide and maintain in proper and convenient situations and on sites vesting in the corporation, water-closets, latrines, privies and urinals and other similar conveniences for public accommodation.

Inspection.

Drains, etc., not belonging to the corporation to be subject to inspection and examination.

253. All drains, ventilation-shafts and pipes, cess-pools, house-gullies, water-closets, privies, latrines and urinals [1][and bathing and washing places] which do not belong to the corporation, or which have been constructed, erected or set up at the charge of the municipal fund on premises not belonging to the corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

Power to open ground etc., for purposes of such inspection and examination.

254. For the purpose of such inspection and examination, the Commissioner may cause the ground or any portion of any drain or other work exterior to a building or, with the approval of the standing committee, any portion of a building, which he shall think fit, to be opened, broken up or removed: Provided that in the prosecution of any such inspection and examination as little damage as can be shall be done.

When the expenses of inspection and examination are to be paid by the Commissioner.

255. If upon any such inspection and examination as aforesaid it shall be, found that the drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal [2][or bathing or washing place] examined is in proper order and condition, and that none of the provisions of this Chapter has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Commissioner.

When the expenses of inspection and examination are to be paid by the owner.

256. But if it shall be found that any drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal [2][or bathing or washing place] so examined is not in good order or condition, or has been repaired, changed, altered or encroached upon, or, except when the same has been constructed by or under the order of the Commissioner, if it has been constructed in contravention of any of the provisions of this Chapter or of any enactment at the time in force,

the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground, or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination, at his own cost.

Commissioner may require repairs, etc., to be made.

[3][**257.** (*1*) When the result of such inspection and examination as aforesaid is as described in section 256, the Commissioner may—

(*a*) by written notice require the owner of the premises or the several owners of the respective premises in which the drain, ventilation-shift or pipe, cess-pool house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situate, or for the benefit of which the same has been constructed, erected or set up,

---

[1] These words were inserted by Bom. 5 of 1905, s. 32 (*1*).

[2] These words were inserted, *ibid.*, s. 32 (*2*).

[3] Section 257 was substituted for the original section, *ibid.*, s. 33.

(*i*) to close or remove the same or any encroachment thereupon or [1][subject to the proviso to clause (*c*) of section 258, to remove any projection over the same, or]

(*ii*) to renew, repair, cover, recover, trap, ventilate, pave and pitch or take such other order with the same as he shall think fit to direct and to fill in, reinstate and make good the ground, building or thing opened, broken up or removed for the purpose of such inspection and examination, and

(*b*) without notice, close, fill up or demolish any drain by which sullage or sewage is carried through, from, into or upon any premises in contravention of any of the provisions of this Chapter, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(*2*) Any requisition under clause (*a*) of sub-section (*1*) in respect of any drain which has been constructed, erected or set up, or which is continued for the sole use and benefit of a property or for the exclusive use and benefit of two or more properties, may include any extension thereof beyond such property or properties, if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.]

Cost of inspection and execution of works in certain cases.

[2][**257A.** In the case of any drain which has been constructed, erected or fixed, or which is continued, for the exclusive use and benefit of two or more premises and which is not—

(*a*) a drain constructed under section 232A, sub-section (*1*), or

(*b*) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under section 238, sub-section (*1*),

the expenses of any inspection and examination made by the Commissioner under section 253 and of the execution of any work required under section 257, whether executed under section 260 or not, shall be paid by the owners of such premises, in such proportions, as shall be determined—

(*i*) by the standing committee if the aggregate amount of such expenses exceeds one hundred rupees, or

(*ii*) by the Commissioner if the aggregate amount of such expenses does not exceed one hundred rupees.]

General Provisions.

Prohibition of acts contravening the provisions of this Chapter or done without sanction.

258. No person shall—

(*a*) in contravention of any of the provisions of this Chapter or of any notice issued or direction given under this Chapter, or without the written permission of the Commissioner, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change, any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine or urinal [1][or bathing or washing place] or any trap, covering or other fitting or appliance connected therewith;

---

[1] These words were added by Bom. 8 of 1918, s. 8.

[2] Section 257A was inserted by Bom. 5 of 1905, s. 34.

(*b*) without the written permission of the Commissioner, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine or urinal [1][or bathing or washing place,] or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the provisions of this Chapter;

(*c*) without the written permission of the Commissioner, make any [2][projection over or] encroachment upon, or in any way injure or cause or permit to be injured, any drain, cess-pool, house-gully, water-closet, privy, latrine or urinal [1][or bathing or washing place]:

[3][Provided that nothing in this clause shall apply to any weather-shade in width not exceeding two feet over any window which does not front a wall or window of an adjoining house;]

(*d*) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth, ashes or any substance or matter by which or by reason of the amount of which such drain is likely to be obstructed;

(*e*) pass, or permit or cause to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided;

(*f*) cause or suffer to be discharged into any drain from any factory, bake-house, distillery, workshop or workplace or from any building or place in which steam, water or mechanical power is employed, any hot water, steam, fumes or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance.

When materials and work may be supplied and done under this Chapter for any person by the Commissioner.

259. (*1*) On the written request of any person who is required under any of the provisions of this Chapter to supply any materials or fittings or to do any work, the Commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done; but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

(*2*) [4][* * * *]

---

[1] These words were inserted by Bom. 5 of 1905, s. 32(*2*).

[2] These words were inserted by Bom. 8 of 1918, s. 9(*a*).

[3] This proviso was added, *ibid*, s. 9 (*b*).

[4] Sub-section (2) was repealed by Bom. 5 of 1905.

[1][**259A.** (*1*) No person shall permit any work described in this Chapter to be executed except by a licensed plumber;

Work to be done by licensed plumber; permission to use as drain.

[2][Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.]

(*2*) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(*3*) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of the completion of such work, accompanied by a certificate in the form of Schedule S signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such works:

Provided that—

(*a*) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed—

(*i*) give permission for the filling in or covering over of such work, or

(*ii*) require that before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular in respect of which it is not in accord with a requisition previously made by the Commissioner or contravenes some provisions of this Act or of the by-laws under this Act.

(*4*) No person shall permit any such work to be used as a drain or part of a drain until—

(*a*) the permission referred to in proviso (*b*) to sub-section (*3*) has been received, or

(*b*) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for the filling in or covering over of such work.]

260. (*1*) The Commissioner may, if he thinks fit, cause any work described in [3][this Chapter] to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

Commissioner may execute certain works under this Chapter without allowing option to persons concerned of executing the same.

---

[1] Section 259A was inserted by Bom. 5 of 1905, s. 36.
[2] This proviso was added by Bom. 32 of 1935, s. 11.
[3] The words "this Chapter" were substituted for the original words by Bom. 5 of 1905, s. 37.

Expenses in such cases by whom to be paid.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

CHAPTER X

WATER SUPPLY.

Construction and Maintenance of Municipal Water-works.

Definitions.

[1]**260A.** In this chapter, unless there is anything repugnant in the subject or context—

(*a*) 'communication pipe' means a pipe extending from a municipal water main up to and including the municipal stop-cock.

(*b*) 'consumer' means any person who uses or is supplied with water from a municipal water work or on whose application such water is supplied and includes any person liable to the corporation under the provisions of this Act for the payment of water tax or any sum for the water supplied from a municipal water work.

(*c*) 'consumer's pipe' means a pipe used in connection with the supply of water from any municipal water work and which is not the property of the corporation.

(*d*) 'distributing pipe' means any pipe not subject to water pressure from a municipal water main.

(*e*) 'fitting' includes a pipe, coupling, flange, branch, bend, stop, ferrule, stop tap, bib tap, spring tap, pillar tap, globe tap, ball cock, boiler, pump, meter, hydrant and any other apparatus or article used for the purpose of conveying or storing water supplied by the corporation.

(*f*) 'municipal stop cock' means the stop cock which controls the supply of water from a municipal water main.

(*g*) 'supply pipe' means the pipe extending from a municipal stop cock up to the ball cock of the storage tank, if any, and any pipe subject to pressure from a municipal water main.]

General powers for supplying the city with water.

261. For the purpose of providing [2][Greater Bombay] with a supply of water proper and sufficient for public and private purposes, the Commissioner, when authorized by the corporation in this behalf, may—

(*a*) construct and maintain water-works, either within or without [2][Greater Bombay] and do any other necessary acts;

(*b*) purchase or take on lease any water-work or any water or right to store or to take and convey water, either within or without [2][Greater Bombay];

(*c*) enter into an arrangement with any person for a supply of water.

---

[1] This section was inserted by Bom. 5 of 1938, s. 21.

[2] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

Municipal water-works to be managed and kept in repair by the Commissioner.

262. The Commissioner shall manage all water-works belonging to the Corporation—all which water-works are in this Act referred to as "municipal water-work"—and maintain the same in good repair and efficient condition, and shall cause all such alterations and extensions to be from time to time made in the said water-works as shall be necessary or expedient for improving the said works.

Power of access to municipal water-works.

263. (*1*) The Commissioner, and any persons appointed by [1][the [2][State] Government] under section 264 in this behalf, may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-work, at all reasonable times—

(*a*) enter upon and pass through any land within or without the city, adjacent to or in the vicinity of such water-work, in whomsoever such land may vest;

(*b*) convey into and through any such land all necessary materials, tools and implements.

(*2*) In the exercise of any power conferred by this section, as little damage as can be shall be done, and compensation for any damage which may be done in the exercise of any of the said powers shall be paid by the Commissioner, or, if any person appointed under section 264 by [1][the [2][State] Government] has caused the damage, by [1][the [2][State] Government].

Inspection of municipal water works by persons appointed by [2][State] Government.

264. Any person appointed by [1][the [2][State] Government] in this behalf shall at all reasonable times have liberty to enter upon and inspect any municipal water-work.

Power of carrying water-mains, etc.

265. The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water-mains, pipes and ducts within or without [3][Greater Bombay], as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing drains within [3][Greater Bombay].

Fire-hydrants to be provided.

266. The Commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained; and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, words or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant-key to be deposited at each place within [3][Greater Bombay] where a municipal fire-engine is kept, and do such other things for the purpose aforesaid as he shall deem expedient.

Prohibition of building and other acts which would injure sources of water-supply.

267. (*1*) Except with the sanction of the corporation and, in the case of the Vehar water-works, of [1][the [2][State] Government], or, for the purposes of section 262, under the authority of the Commissioner, no person shall—

(*a*) erect any building for any purpose whatever within the limits of the water-shed of any lake or reservoir from which a supply of water is derived for any municipal water-work;

(*b*) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the said limits;

(*c*) carry on, within the said limits, any operation of manufacture, trade or agriculture in any manner, or do any act whatsoever, whereby injury may arise to any such lake or reservoir or to any portion thereof, or whereby the water of any such lake, tank or reservoir may be fouled or rendered less wholesome.

---

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

(*2*) The limits of the water-shed of the Vehar lake shall, for the purposes of this section, be deemed to be the limits defined in a plan marked "B", authenticated by the signatures of the Governor and Members of Council, and deposited in the office of the Secretary to the Government of Bombay.

Buildings, etc., not to be erected over municipal water-main without permission.

268. (*1*) Without the written permission of the Commissioner no building, wall or other structure shall be newly erected, and no street or railway shall be constructed, over any municipal water-main.

(*2*) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Public Gratuitous Water-Supply.

Vesting of public drinking fountains, etc., in the corporation.

269. (*1*) All existing public drinking fountains, tanks, reservoirs, cisterns, pumps, wells, ducts and works for the supply of water for the gratuitous use of the inhabitants of the city shall vest in the corporation and be under the control of the Commissioner.

(*2*) The Commissioner may maintain the said works and provide them with water, and, when authorised by the corporation in this behalf, may construct any other such works for supplying water for the gratuitous use of the inhabitants of the city.

(*3*) Provided that water carried away by any of the inhabitants from any such work shall be taken only for his [1][personal or domestic use and not for the purpose of business or sale], and shall not, except with the written permission of the Commissioner, be carried away in a cask, cart, pakhal or masak.

(*4*) The Commissioner may temporarily, and with the approval of the corporation permanently, close any of the said works, either entirely or partially.

(*5*) In case any such work is permanently closed, either entirely or partially, by the Commissioner, the site thereof, or of the portion thereof which is so closed, and the materials of the same may be disposed of as the property of the corporation: Provided that if any such work, which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale thereof shall, unless by reason of their value being insignificant or for other sufficient reason the corporation think fit to otherwise direct, be applied to or towards some local work of public utility bearing the name of such person, or to or towards any such local work which shall be approved by the corporation and by the heirs or other representatives, if any, of the said person.

Public drinking fountains, etc., may be set apart for particular purposes.

270. (*1*) The Commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he shall think fit, and shall cause to be indicated, by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart.

(*2*) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

---

[1] These words were substituted for the words "private use and not for sale" by Bom. 5 of 1938, s. 22.

Private Water-supply.

Premises not to be occupied without Commissioner's certificate in respect of adequate water supply.

Bom. LXIV of 1953.

[1][**270A.** No person shall occupy or permit to be occupied, or use or permit to be used, any premises or part thereof constructed or reconstructed after the date of the coming into force of the Bombay Municipal Corporation (Amendment) Act, 1953, until he has obtained a certificate from the Commissioner to the effect that there is provided within, or within a reasonable distance of, the premises a supply of pure water to the persons intending to occupy or use such premises or, where the premises are situated within any portion of Greater Bombay in which a public notice has been given by the Commissioner under section 141, until he has obtained a certificate from the Commissioner to the effect that a supply of pure water has been provided for the premises from a municipal water work.]

Application for private water-supply from whom to be received.

271. (*1*) [2][Supply pipes] for conveying to any premises a private supply of water from [2][a municipal water work] shall not [2][be connected with such water work] except on the written application or with the written assent of the owner of the premises, or of the person primarily liable for the payment of property-taxes on the said premises.

Commissioner may in certain cases require owners to obtain private water-supply.

[3][(*2*) But if it shall appear to the Commissioner that any premises situate within any portion of [4][Greater Bombay] in which a public notice has been given by the Commissioner under clause (*b*) of section 141, are without a supply of pure water, adequate to the requirements of the persons usually occupying or employed upon to the said premises, the Commissioner shall, by written notice, require the owner of the said premises or the person primarily liable for the payment of property-taxes thereon, to obtain a supply adequate as aforesaid from a municipal water work and to provide supply and distributing pipes, cisterns and fittings and do all such works as may in the opinion of the Commissioner be necessary for that purpose.

Making and renewing connection with municipal water-works.

[5][**272.** (*1*) No connection with any municipal water work shall be made or renewed—

(*a*) except by a municipal officer or servant empowered in that behalf by the Commissioner; and

(*b*) until the certificate specified in sub-section (*4*). has been given.

[6][(*2*) In every case where a new connection with a municipal water-work is made or an existing connection requires renewal, all necessary communication-pipes and fittings [7][thereon], shall be supplied by the Commissioner, and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the Commissioner's orders; and the cost of all such materials and work shall be charged to the municipal fund.]

---

[1] Section 270A was inserted by Bom. 64 of 1953, s. 11.
[2] These words were substituted by Bom. 5 of 1938, s. 23 (*a*).
[3] This sub-section was substituted for the original, *ibid.*, s. 23 (*b*).
[4] These words were substituted for the words "the City" by Bom. 64 of 1953, s. 12.
[5] Sections 272, 273 and 273A were substituted for sections 272 and 273 by Bom. 5 of 1905, s. 38.
[6] This sub-section was substituted for the original sub-section (*2*) by Bom. 8 of 1918, s. 10.
[7] This word was substituted for the original by Bom. 5 of 1938, s. 24 (*a*).

(3) [1][Every such communication-pipe and fittings thereon shall vest] in the corporation and be maintained at the charge of the municipal fund as a municipal water-work.

[2][(4) All supply and distributing pipes and cisterns and fittings not being the property of the corporation shall be laid and applied under the supervision and to the satisfaction of a municipal officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such supply and distributing pipes, cisterns and all necessary fittings have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.]

[2][(5) Where any supply or distributing pipe, cistern or such fitting is laid, applied, added to or altered, or any connection is made in contravention of this section the Commissioner may, with the previous approval of the standing committee, remove such supply or distributing pipe, cistern, fitting or connection, or additions or alterations thereto, and make good such pipe, cistern, fitting or connection; and the owner and occupier of the premises in which or for supply to which such supply or distributing pipe, cistern or fitting has been laid, applied, added to or altered or such connection has been made, shall be jointly and severally liable to pay the expenses incurred by the Commissioner in so doing.]

Commissioner may take charge of private connections.

[3][273. The Commissioner may, by agreement with a consumer, take charge on behalf of the corporation of all or any of the consumer's pipes and fittings:

Provided that if any of such pipes or fittings are communication-pipes or fittings only not vesting in the corporation, the Commissioner may, if he thinks fit, take charge of the same without such agreement.

Any consumer's pipes and fittings, of which the Commissioner takes charge under this section, shall thereafter vest in, and be maintained at the expense of, the corporation as a municipal water-work.]

Power of Commissioner to alter position of connections.

[4][273A. The Commissioner may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water-work, or of any consumer's pipe or fitting thereof, and after giving to the owner of such connection, pipe or fitting not less than four days previous notice of his intention so to do, cause the said connection, pipe or fitting to be moved to such other position as he thinks fit and relaid and applied, or others to be laid and applied in lieu thereof, in such position as he may direct; and in every such case all such work shall be carried out at the expense of the municipal fund and such new connection, pipe and fitting shall thereafter vest in the corporation and be maintained at the charge of the municipal fund as a municipal water-work.]

Provisions as to cisterns and other fittings, etc., to be used for connections with water-works.

274. [5][(1) The Commissioner may, whenever it shall appear to him to be necessary, by written notice require the owner of any premises furnished with a private water supply from any municipal water-work to provide such premises within a reasonable period which shall be prescribed in the said notice, with cisterns and fittings of such size, material, quality and description and placed in such position and with such safe and easy means of access as he thinks fit.]

---

[1] These words were substituted for the original, by Bom. 5 of 1938, s. 24 (*b*).

[2] These sub-sections were substituted for the original, *ibid.*, s. 24 (*c*) and (*d*).

[3] This section was substituted for the original *ibid.*, s. 25.

[4] This section was substituted for the original, *ibid.*, s. 26.

[5] This sub-section was substituted for the original, *ibid.*, s. 27 (*a*).

[1][(*1A*) The Commissioner may also in the like manner require the owner of any premises to provide such safe and easy means of access as he thinks fit to any existing cistern which on an examination under section 278 is found to be not easily accessible.]

(*2*) The Commissioner shall also from time to time prescribe the size, material quality, description and position of the [2][pipes and fittings] to be employed for the [3][purpose] of any connection with, or of any communication from, any municipal water-work, and no such connection or communication shall be made by any person otherwise than as so prescribed.

[4][(*3*) The Commissioner shall likewise prescribe the size, material, quality and description of the [5][pipes, cisterns and fittings] to be employed for the purpose of replacing any [5][pipes, cisterns and fittings] found on an examination under section 278 to be so defective that they cannot be effectively repaired.]

Provision for keeping cisterns locked.

[6][**274A.** (*1*) The Commissioner may, by written notice, require the owner of any premises furnished with a cistern or in respect of which the Commissioner has required a cistern to be furnished, to provide such cistern with a lock and key of such pattern, material and quality as the Commissioner shall in such notice

---

[1] This sub-section was inserted, by Bom. 5 of 1938 s. 27 (*b*).
[2] These words were substituted for the original, *ibid.*, s. 27 (*c*) (*i*).
[3] This word was substituted for the word " purposes", *ibid.*, s. 27 (*c*) (*ii*).
[4] This sub-section was added by Bom. 8 of 1918, s. 11 (*b*).
[5] These words were substituted for the original by Bom. 5 of 1938, s. 27 (*d*).
[6] This section was inserted, *ibid.*, s. 28.

prescribe, and may in like manner require any lock or key found to be defective on an inspection under section 278 to be replaced.

(2) Every cistern so provided with a lock shall be kept permanently locked and the key shall then be delivered to the Commissioner.]

Communication-pipes, etc., to be kept in efficient repair by owner or occupier of premises.

275. [1][(1)] It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work, [2][to keep in a thoroughly clean condition and to maintain and keep in efficient repair every supply and distributing pipe] conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter and [2][every cistern and fitting] in or connected with any such pipe, so as effectually to prevent the water from running to waste.

[3][(2) When an occupier of any premises is served with a notice under sub-section (2) of section 278, he may, after giving to the person to whom he is responsible for the payment of his rent [4][three] days' notice in writing, himself have the repairs executed and in such event he shall be entitled to deduct from any rent due [4][or to become due] by him to such person the actual expenses incurred by him in complying with the notice served under sub-section (2) of section 278 : provided that nothing in this section shall effect the liabilities of parties under leases executed before the 1st day of April 1918.]

Provision of meters when water is supplied by measurement.

276. (1) Where water is supplied by measurement, the Commissioner may either provided a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the standing committee, or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

[5][Provided that if such consumer is an occupier of any premises, he shall not be provided with a meter or permitted to provide himself with a meter of his own, unless he complies with such conditions as may be prescribed by the Commissioner.]

(2) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

Register of meter to be evidence.

277. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Inspection.

Commissioner, etc., may inspect premises in order to examine meter, communication-pipes, etc.

278. (1) The Commissioner may make an inspection of any premises to which a private water-supply is furnished by the corporation in order—

(a) to remove, test, examine and replace any meter for measuring water : or

[6][(b) to examine any supply or distributing pipe, cistern, lock or fitting ; or]

(c) to see if there be any waste or misuse of water.

[7][(2) The Commissioner may, by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in or to clean, any such meter, not being a municipal meter let to him for hire, or any such supply or distributing pipe, cistern, look or fitting.

---

[1] Section 275 was numbered sub-section (1) of section 275 by Bom. 8 of 1918, s. 12.

[2] These words were substituted for the original by Bom. 5 of 1938, s. 29 (a).

[3] This sub-section was added by Bom. 8 of 1918.

[4] These words were substituted for the original by Bom. 5 of 1938, s. 29 (b).

[5] This proviso was inserted by Bom. 62 of 1954, s. 6.

[6] This clause was substituted for the original by Bom. 5 of 1938, s. 30 (a).

[7] This sub-section was substitued for the original, *ibid*., s. 30 (b).

Cutting off private water-supply.

Power to cut off private water-supply or to turn off water.

279. (*1*) The Commissioner may [1]* * * * * * cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the corporation or turn off the water from such premises in any of the following cases, namely :—

(*a*) in default of payment of any instalment of water-tax or of any sum due for water [2][or hire of meter] [3][or expenses of any work done under or by virtue of the provisions of section 272, 276 or 287A] within fifteen days after a [4][notice of demand] for such tax or sum has been duly [5][served].;

[6][(*b*) if the owner of the premises neglects, within the period prescribed in this behalf in any notice given under sub-section (*1*) or (*1A*) of section 274 or under section 274A, to comply with any requisition made to him by the Commissioner regarding the provision of any cistern, fitting, lock or key or any means of access to such cistern ;

(*c*) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-section (*2*) of section 278, to comply with the terms of such notice or fails to use articles of the kind prescribed under sub-section (*3*) of section 274 ;]

(*d*) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues —

(*i*) to use the water, or to permit the same to be used, in contravention of any by-law made under this Act or of any condition prescribed under sub-section (*2*) of section 169 ;

(*ii*) when payment for the water is made not by measurement to permit any person not residing on premises in respect of which water-tax is paid to carry away from such owner's or occupier's premises water derived from the municipal water-work ;

[7][(*e*) if the owner or occupier of the premises wilfully or negligently injures or damages any meter, pipe, cistern or fitting or lock thereof in such premises ;]

[8][(*f*) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-section (*2*) of section 287B, to furnish the name of the licensed plumber] :

[9][Provided that—

[10][(*i*) in any case under sub-clause (*a*) the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises,]

[11][(*ii*) in cases under sub-clauses (*a*), (*b*), [12][(*d*) and (*f*)] the Commissioner shall not take action without the sanction of the standing committee,

[11][(*iii*) in cases under sub-clauses (*c*) and (*e*) the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises,]

---

[1] The words " with the sanction of the standing committee " were repealed by Bom. 6 of 1913, s.2.

[2] These words were inserted by Bom. 5 of 1938, s. 31 (*i*).

[3] These words and figures were inserted by Bom. 10 of 1928, s. 13 (*a*) (*i*).

[4] The words " notice of demand " were substituted for the original word " bill ", *ibid.*, s. 13 (*a*) (*ii*)

[5] This word was substituted for the word " presented " by Bom. 20 of 1952, s. 15

[6] These clauses were substituted for the original by Bom. 5 of 1938, s. 31 (*1*) (*b*).

[7] This clause was substituted for the original, *ibid.*, s. 31 (*c*).

[8] This clause was inserted by Bom. 8 of 1918, s. 13 (*d*).

[9] This proviso was added by Bom. 6 of 1913, s. 2.

[10] New proviso (*i*) was inserted by Bom. 10 of 1928, s. 13 (*b*) (*i*).

[11] Original provisoes (*i*) and (*ii*) were renumbered as provisoes (*ii*) and (*iii*) respectively, *ibid.*, 13 (*c*).

[12] These letters, word and brackets were substituted for the original word, letter and brackets and (*d*) " by Bom. 8 of 1918, s. 13 *e*).

[1][(*iv*) in any case falling under sub-clause (*b*), the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice under sub-section (*1*) or sub-section (*1A*) of section 274 or under section 274A, as the case may be, has been affixed to a conspicuous part of the premises,]

(*2*) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

Conditions as to use of water not to be contravened.

280. No person to whom water is supplied by measurement or on payment of a fixed periodical sum shall contravene any condition prescribed under sub-section (*2*) of section 169 for the use of such water, or permit any such condition to be contravened.

Powers of Commissioner to carry private mains through land belonging to other persons.

[2][**280A.** The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing private water mains, pipes and ducts as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing private drains.]

Water-pipes, etc., not to be placed where water will be polluted.

281. No water-pipes shall be laid in a drain or on the surface of an open channel or house-gully or within twenty feet of a cesspool, or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank, and except with the consent of the Commissioner, no cistern shall be constructed within twenty feet of a [3][privy, water-closet or] cesspool.

Prohibition of fraudulent and unauthorised use of water.

282. (*1*) No person shall fraudulently dispose of any water supplied to him by the corporation.

(*2*) No person to whom a private supply of water is furnished by the corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid to carry away water from the premises to which it is supplied.

(*3*) No person, who does not reside on premises in respect of which water-tax is paid, shall carry away water from any premises to which a private supply is furnished by the corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

Prohibition of fraud in respect of meters.

283. (*1*) No person shall fraudulently—

(*a*) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;

(*b*) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(*2*) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently effected the same.

General Provisions.

Prohibition of wilful or neglectful acts relating to water works.

284 No person shall wilfully or negligently—

(*a*) injure or suffer to be injured any meter belonging to the corporation or any of the fittings of any such meter;

---

[1] This paragraph was added by Bom. 5 of 1938, s. 31 (*d*).
[2] This section was inserted by Bom. 8 of 1918, s. 14.
[3] These words were inserted by Bom. 5 of 1905, s. 39.

(*b*) break, injure or open any lock, cock, valve, pipe, work, [1][engine, cistern or fitting] appertaining to any municipal water-work;

(*c*) flush or draw off the water from any such water-work, thereby causing such water to be wasted;

(*d*) do any act [2][or suffer any act to be done] whereby the water in or derived from any municipal water-work shall be wasted;

(*e*) obstruct, divert or in any way injure or alter any water-main or duct;

[3][(*f*) except with the permission of the Commissioner, open, break, injure or tamper with any lock furnished under section 274A.]

Compensation to be payable by offenders against section 283 or 284.

285. Compensation shall be paid by the offender for any damage which the corporation sustains by reason of any contravention of section 283 or section 284.

What persons to be liable for offences under certain provisions of this Chapter.

[4][**286.** If it shall be shown that an offence against some provision of this Chapter or against some bye-law made under this Act at the time in force relating to water supply has occurred on any premises to which a private supply of water is furnished by the corporation, the owner, the person primarily liable for the payment of water tax and the occupier of the said premises shall be jointly and severally liable for the same.]

When materials and works may be supplied and done under this Chapter for any person by the Commissioner.

[5][**287.** On the written request of any person who is required under any of the provisions of this Chapter to supply any materials, fittings, cistern or lock and key or to do any work, the Commissioner may, on such person's behalf, supply the necessary materials, fittings, cistern or lock and key, as the case may be, or cause the necessary work to be done; but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said material, fitting, cistern, lock and key or work.]

Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.

[6][**287A.** (*1*) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed [7][or any cistern to be supplied with a lock and key] by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed [7][or supplied] the option of doing [7][or supplying] the same.

(*2*) The expenses of any work so done [8][or of supplying such lock and key] shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work [8][or the supply of such lock and key] at the charge of the municipal fund.]

Work under Chapter X to be done by licensed plumber.

[9][**287B.** (*1*) No person other than a licensed plumber shall execute any work described in this Chapter, [10][(other than the provision of a lock and key)] and no person shall permit any such work to be executed except by a licensed plumber.

---

[1] These words were substituted for " or engine " by Bom. 5 of 1938, s. 32 (*a*).

[2] These words were inserted by Bom. 8 of 1918, s. 15.

[3] This clause was inserted by Bom. 5 of 1938, s. 32 (*b*).

[4] This section was substituted for the original, *ibid.*, s. 33.

[5] This section was substituted for the original, *ibid.*, s. 34.

[6] Section 287A was inserted by Bom. 5 of 1905, s. 41.

[7] These words were inserted by Bom. 5 of 1938, s. 35.

[8] These words were inserted, *ibid.*, s. 35.

[9] This section was inserted by Bom. 5 of 1938, s 17.

[10] These words and brackets were inserted by Bom. 5 of 1938, s. 36 (*1*).

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

[1][(3) Where any person causes or permits any pipe, cistern or fitting or other work necessary for conveying a private supply of water from a municipal water-work into any premises to be laid, applied or executed in contravention of sub-section (1), he shall, in addition to being liable to the penalty prescribed for such contravention, not be entitled to an independent or branch connection, until the defects, if any, in such pipe, cistern, fitting or work are removed to the satisfaction of the Commissioner.]

288. The Commissioner may supply water from a municipal water-work to any local authority or person without [2][Greater Bombay] on such terms as to payment and as to the period and conditions of supply as shall be, either generally or specially, approved by the corporation.

Power to supply water without [2][Greater Bombay.]

CHAPTER XI.

REGULATION OF STREETS.

Construction, Maintenance and Improvement of Public Streets.

Vesting of public streets in the corporation.

289. (1) All streets within [3][Greater Bombay] being or which at any time become public streets, and the pavements, stones and other materials thereof shall, vest in the corporation and be under the control of the Commissioner:

[4][Provided that no public street which on the day immediately preceding the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950, vested in Government shall, unless the State Government so directs, vest in the corporation by virtue of this sub-section]. Bom. VII of 1950.

Powers of Commissioner in respect of public streets.

(2) The Commissioner shall from time to time cause all such streets to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require; he may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of foot-passengers:

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be undertaken by the Commissioner unless or until such undertaking has been authorised by the corporation.

(3) With the sanction of the corporation the Commissioner may permanently close the whole or any part of a public street: Provided that such sanction of the corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the corporation.

Disposal of land forming site of closed streets.

290. Whenever any public street, or part of a public street, is permanently closed under section 289, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the corporation.

Power to make new public streets.

291. The Commissioner, when authorised by the corporation in this behalf may at any time—

(a) lay out and make a new public street;

---

[1] This sub-section was substituted for the original by Bom. 5 of by 1938, s. 36 (2).

[2] These words were substituted for the words " the City " by Bom. 64 of 1953, s. 13.

[3] These words were substituted for the words " the City " by Bom. 7 of 1950, s. 6 (1).

[4] This proviso was added, *ibid.*, s. 21.

(*b*) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation, and that such street shall become, on completion, a public street;

[1][(*c*) declare any street made under an improvement scheme duly executed in pursuance of the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, to be a public street].

Bom. IV of 1898. Bom. XVI of 1925.

Saving of provisions of sections 37 and 38, Bom. Act VI of 1879.

292. Nothing in sub-sections (*1*) and (*3*) of section 289 or in the two last preceding sections shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879.

Bom. VI of 1879.

293. [*Permission to lay tramways or railways on public streets to need the sanction of the corporation and confirmation by Provincial Government.*] *Repealed by Bom. XLVIII of 1948, s. 39.*

Minimum width of new public streets.

294. No new public street made under section 291 shall be less than forty feet in width if such street be made for carriage traffic, or twenty feet if such street be made for foot traffic only; and no steps and, except with the written permission of the Commissioner under section 310, no other projection shall extend on to any such street.

Power to construct or adopt public bridges, etc. over or under railways, etc.

295. The Commissioner, when authorised by the corporation in this behalf, may agree—

(*a*) with any person to adopt and maintain any existing or projected bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the corporation; or

(*b*) for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation.

Power to acquire premises for improvement of public streets.

296. (*1*) The Commissioner may, subject to the provisions of sections 90, 91 and 92—

(*a*) acquire any land required for the purpose of opening, widening, extending, or otherwise improving any public street or of making any new public street, and the buildings, if any, standing upon such land;

(*b*) acquire in addition to the said land and the buildings, if any, standing thereupon, all such land with the buildings, if any, standing thereupon, as it shall seem expedient for the corporation to acquire outside of the regular line, or of the intended regular line, of such street;

(*c*) lease, sell or otherwise dispose of any land or building purchased under clause (*b*).

(*2*) Any conveyance of land or of a building under clause (*c*) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

---

[1] Clause (*c*) was inserted by Bom. 13 of 1933, s. 34.

Preservation of Regular Line in Public Streets.

[1][297. (*1*) The Commissioner may— **Prescribing the regular line of a street.**

(*a*) prescribe a line on each side of any public street:

[2][Provided that in the case of any public street in the suburbs the regular line of a public street operative under any law in force in any part of the suburbs on the day immediately preceding the date of coming into force of the Bombay Municipal (Extension of Limits) Act, 1950, shall be deemed to be a line prescribed by the Commissioner under this clause.] Bom. VII of 1950.

(*b*) from time to time, but subject in each case to his receiving the authority of the corporation in that behalf, prescribe a fresh line in substitution for any line so prescribed, or for any part thereof provided that such authority shall not be accorded—

(*i*) unless, at least one month before the meeting of the corporation at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in local newspapers as well as in the [3][*Official Gazette*], and special notice thereof, signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be prescribed, and

(*ii*) until the corporation have considered all objections to the said proposal made in writing and delivered at the office of the municipal secretary not less than three clear days before the day of such meeting.

(*2*) The line for the time being prescribed shall be called "the regular line of the street."

(*3*) No person shall construct any portion of any building within the regular line of the street except with the written permission of the Commissioner, who shall, in every case in which he gives such permission, at the same time report his reasons in writing to the standing committee.]

298. (*1*) If any part of a building abutting on a public street is within the regular line of such street, the Commissioner may, whenever it is proposed— **Setting back buildings to regular line of the street.**

(*a*) to rebuild such building or to take down such building to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(*b*) to remove, re-construct or make any addition to any portion of such building which is within the regular line of the street,

in any order which he issues, under section 345 or 346, concerning the re-building alteration or repair of such building require such building to be set back to the regular line of the street.

(*2*) When any building, or any part thereof within the regular line of a public street, falls down, or is burnt down, or is taken down whether under the provisions of section 351 or 354 or otherwise, the Commissioner may at once take possession on behalf of the corporation of the portion of land within the regular line of the street theretofore occupied by the said building, and, if necessary, clear the same.

(*3*) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest, as such, in the corporation.

299. (*1*) If any land not vesting in the corporation, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building, or if a platform, verandah, step or some other structure external to a building abutting on a public street, or a portion of a platform, verandah, step or other such structure, is within the regular line of such street, **Acquisition of open land or of land occupied by platforms, etc., within the regular line of a street.**

---

[1] Section 297 was substituted for the original section by Bom. 5 of 1905, s. 42.

[2] This proviso was added by Bom. 7 of 1950, s. 22.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

the Commissioner may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention so to do, take possession on behalf of the corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other such structure as aforesaid, or of the portion of the said platform, verandah, step or other such structure aforesaid which is within the regular line of the street, and, if necessary, clear the same and the land so acquired shall thenceforward be deemed a part of the public street.

(*2*) Provided that when the land or building is vested in [1][the [2][Government] possession shall not be taken as aforesaid without the previous sanction of the Government concerned and, when the land or building is vested] in any corporation constituted by Royal Charter or by an Act of Parliament, [3][of the United Kingdom] or [4][by an Indian law,] possession shall not be taken as aforesaid without the previous sanction of [5][the [6][State] Government].

Setting forward of buildings to regular line of the street.

300. (*1*) If any building which abuts on a public street is in rear of the regular line of such street the Commissioner may, whenever it is proposed—

(*a*) to rebuild such building, or

(*b*) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street, to an extent exceeding one-half of such building or portion thereof above the ground-level, such half to be measured in cubic feet,

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building, permit or, with the approval of the standing committee, require such building to be set forward to the regular line of the street.

(*2*) For the purposes of this section, a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner is erected along the said line.

Compensation to be paid in cases under the three last sections.

301. [7][(*1*) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299, for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections; provided that any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation].

(*2*) If, in consequence of any order to set forward a building made by the Commissioner under the last preceding section, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage.

---

[1] These words were substituted for the words " Her Majesty or " by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

[3] These words were inserted, *ibid.*

[4] The words " by an Indian law " were substituted for the words " of the Governor General of India in Council or of the Governor in Council " by the Adaptation of Indian Laws Order in Council.

[5] The words " the Provincial Government " were substituted for the word " Government ", *ibid.*

[6] This word was substituted for the word " Provincial " by the adaptation of Laws Order, 1950.

[7] This sub-section was substituted for the original one by Bom. 1 of 1925, s. 19.

(*3*) If the additional land which will be included in the premises of any person required or permitted under the last preceding section to set forward a building belongs to the corporation, the order or permission of the Commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the [1][price to be paid to the corporation by the said owner for such additional land and the other] terms and conditions of the conveyance shall be set forth in the said order or permission.

(*4*) If, when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with [2][the price fixed to be paid to the corporation or any of the other] terms or conditions of the conveyance, the Commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Chief Judge of the Small Cause Court, whose decision thereupon shall be conclusive.

Provisions concerning private streets.

Notice to be given to Commissioner of intention to lay out lands for building and for private streets.

[3][**302.** (*1*) Every person who intends—

(*a*) to sell or let on lease any land subject to a covenant or agreement on the part of a purchaser or lessee to erect buildings thereon, or

(*b*) to divide land into building plots, or

(*c*) to use any land or permit the same to be used for building purposes, or

(*d*) to make or lay out a private street, whether it is intended to allow the public a right of passage or access over such street or not, shall give written notice of his intention to the Commissioner, and shall, along with such notice, submit plans and sections, showing the situation and boundaries of such building land and the site of the private street (if any) and also the situation and boundaries of all other land of such person of which such building land or site forms a part, and the intended development, laying out and plotting of such building land, and also the intended level, direction, and width and means of drainage of such private street and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land, and, if any building when erected will not abut on a street then already existing or then intended to be made as aforesaid, the means of access from and to such building.

(*2*) Nothing in this section or in section 302A, 302B, 303 or 304 shall be deemed to affect or to dispense with any of the requirements of Chapter XII.]

Commissioner may call for further particulars.

[3][**302A.** If any notice given under section 302 does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice to furnish the required information together with all or any of the following documents, namely—

(*a*) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one inch to every twenty feet, and a vertical scale of not less than one and a half inches to ten feet and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it is intended to be connected, and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively;

---

[1] These words were added by Bom. 7 of 1921, s. 9(*a*).

[2] These words were substituted for the original words, *ibid.*, s. 9 (*b*).

[3] Sections 302, 302A, 302B, 303 and 304 were substituted for sections 302, 303 and 304 by Bom. 5 of 1920, s. 3.

(*b*) a specification with detailed description of the materials to be employed in the construction of the said street and its footpaths;

(*c*) a plan showing the intended lines of drainage of such street and, of the buildings proposed to be erected and the intended size, depth, and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains;

(*d*) a scheme accompanied by plans and section for the laying out into streets, plots and open spaces of the other land of such person or of so much of such other land as the Commissioner shall consider necessary before applying to the standing committee for their approval of the determination of the Commissioner.]

Commissioner may require plans to be prepared by licensed surveyor.

[1][**302B.** The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of section 302 or section 302A, which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.]

Laying out of land, private streets and buildings to be determined by Commissioner.

[1][**303.** (*1*) The laying out of land for building, the level, direction, width and means of drainage of every private street, and the height and means of drainage and ventilation of and access to all buildings to be erected on such land or in either side of such street shall be fixed and determined by the Commissioner with the approval of the standing committee with the general object of securing sanitary conditions, amenity, and convenience in connection with the laying out and use of the land and of any neighbouring lands.

(*2*) But if, within thirty days after the receipt by the Commissioner of any notice under section 302 or of the plans, sections, description, scheme or further information, if any, called for under section 302A, the disapproval by the Commissioner with regard to any of the matters aforesaid specified in such notice shall not be communicated to the person who gave the same, the proposals of the said person shall be deemed to have been approved by the Commissioner.]

Land not to be appropriated for building and private streets not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.

[1][**304.** (*1*) No person shall sell, let or use or permit the use of, any land for building, or divide any land into building plots, or make or lay out or commence to make or lay out any private street, unless such person has given previous written notice of his intention as provided in section 302, nor until the expiration of sixty days from delivery of such notice, nor otherwise than in accordance with such directions (if any) as may have been fixed and determined under sub-section (*1*) of section 303.

(*2*) If any act be done or permitted in contravention of this section, the Commissioner may by written notice require any person doing or permitting such act on or before such day as shall be specified in such notice by a statement in writing subscribed by him in that behalf and addressed to the Commissioner, to show cause why the laying out, plotting, street or building contravening this section should not be altered to the satisfaction of the Commissioner, or, if that be in his opinion impracticable, why such street or building should not be demolished or removed or why the land should not be restored to the condition in which it was prior to the execution of the unauthorised work, or shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, and show cause as aforesaid.

---

[1] Sections 302, 302A, 302B, 303 and 304 were substituted for sections 302, 303 and 304 by Bom. 5 of 1920, s. 3.

(*3*) If such person shall fail to show cause to the satisfaction of the Commissioner why such street or building should not be so altered, demolished or removed or why such land should not be so restored, the Commissioner may cause the work of alteration, demolition, removal or restoration to be carried out and the expenses thereof shall be paid by the said person.]

Levelling and draining of private streets.

305. If any private street be not levelled, metalled or paved, sewered, drained, channelled and lighted to the satisfaction of the Commissioner, he may, with the sanction of the standing committee, by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to level, metal or pave, drain and light the same in such manner as he shall direct.

Power to declare private streets when sewered, etc., public streets.

306. (*1*) When any private street has been levelled, metalled or paved, sewered, drained, channelled and made good to the satisfaction of the Commissioner, he may and, upon the request of the owner or of any of the owners of such street, shall, if lamps, lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction [1][and if all land-revenue payable to [2][the [3][State] Government] in respect of the land comprised in such street has been paid] by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street:

(*2*) Provided that no such street shall become a public street if, within one month after such notice has been put up, the owner of such street or of the greater part thereof shall, by notice in writing to the Commissioner, object thereto.

Bom. VI of 1879.

(*3*) Nothing in this section shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879.

Applicability of sections 305 and 306 when a street is in part public and in part private.

307. If a portion only of any street is a public street, within the meaning of that term as defined in clause (*x*) of section 3, the other portion of such street may for all purposes of sections 305 and 306 be deemed to be a private street.

Projections and Obstructions.

Prohibition of projections upon streets, etc.

308. (*1*) No person shall erect, set up or place against or in front of any premises any structure or fixture, which will—

(*a*) overhang, jut or project into, or in any way encroach upon, or obstruct the safe or convenient passage of the public along, any street, or

(*b*) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

Power to require removal of the same.

(*2*) The Commissioner may, by written notice, require the owner or occupier of any premises to remove any structure or fixture which has been erected, set up or placed against, or in front of, the said premises in contravention of this section [4][or of section 196 of the [5]Bombay Municipal Act, 1872, [6][or, of any provision of law in force on the day immediately preceding the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950]] or to alter the same in such manner as the Commissioner thinks fit to direct.

Bom. III of 1872.
Bom. VII of 1950.

(*3*) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

---

[1] These words were inserted by Bom. 19 of 1930, s. 12.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] These words and figures were inserted by Bom. 4 of 1888, s. 6.

[5] Bom. 3 of 1872 was repealed by s. 2 of this Act.

[6] These words, brackets and figures were inserted by Bom. 7 of 1950, s. 23.

Power to require removal or alteration of structures, etc., in suburbs.

309. [1][(*1*) If any such structure or fixture as is described in section 308 has been erected, set up or placed against, or in front of, any premises at any time—

(*a*) before the first day of April 1901, in the case of premises situated in an area in the suburbs which immediately before the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950, constituted a municipal district or municipal borough; Bom. VII of 1950.

(*b*) before the date of the coming into operation of the said Act, in the case of premises situated in any area of the suburbs other than the area referred to in clause (*a*); and

(*c*) before the Bombay Municipal Act, 1872, came into force, in the case of premises situated in the city Bom. III of 1872.

the Commissioner may give notice as aforesaid to the owner or occupier of the said premises.]

(*2*) But, if in any such case the structure or fixture shall have been lawfully erected, set up or placed, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Projections over streets may be permitted in certain cases.

310. (*1*) The Commissioner may give a written permission, on such terms as he all in each case think fit, to the owner or occupier of any building abutting on any street—

(*a*) to erect an arcade over such street or any portion thereof, or

(*b*) to put up a verandah, balcony, sunshade, weather-frame or other such structure or thing projecting from any upper storey over any street or portion thereof:

(*2*) Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcades has not been previously sanctioned by the corporation.

(*3*) The provisions of section 308 shall not be deemed to apply to any arcade, verandah, balcony, sunshade, weather-frame or other structure or thing erected or put under and in accordance with the terms of a permission granted under this section.

Ground-floor doors, etc., not to open outwards on streets.

311. The Commissioner may at any time, by written notice, require the owner of any premises on the ground-floor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street to have the said door, gate, bar or window altered so as not to open outwards.

Prohibition of structures or fixtures which cause obstruction in streets.

312. (*1*) No person shall, except with the permission of the Commissioner under section 310 or 317, erect or set up any wall, fence, rail, post, step, booth or other structure or fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy, any portion of such street, channel, drain, well or tank.

(*2*) Nothing in this section shall be deemed to apply to any erection or thing to which clause (*c*) of section 322 applies.

Prohibition of deposit, etc., of things in streets.

313. (*1*) No person shall, except with the written permission of the Commissioner,—

(*a*) place or deposit upon any street or upon any open channel, drain or well in any streets [2][or in any public place] any stall, chair, bench, box, ladder, bale or other thing so as to form an obstruction thereto or encroachment thereon;

---

[1] Sub-section (*1*) was substituted for the original by Bom. 7 of 1950, s. 24.

[2] These words were inserted by Bom. 19 of 1930, s. 13.

(*b*) project, at a height of less than twelve feet from the surface of the street, any board, or shelf, beyond the line of the plinth of any building, over any street, or over any open channel, drain, well or tank in any street;

(*c*) attach to, or suspend from, any wall or portion of a building abutting on a street, at a less height than aforesaid, anything whatever.

(*2*) Nothing in clause (*a*) applies to building-materials.

[1][**313A.** Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever, whether it be for human consumption or not.]

Licence for sale in public places.

[2][**313B.** Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall, for purposes of gain, use his skill in any handicraft or in rendering services to and for the convenience of the public in any public place or public street.]

Licences for use of skill in handicraft or rendering services for purposes of gain in public place or street.

314. The Commissioner may, without notice, cause to be removed—

(*a*) any wall, fence, rail, post, step, booth or other structure or fixture which shall be erected or set up in or upon any street, or upon or over any open channel, drain, well or tank contrary to the provisions of sub-section (*1*) of section 312, after the same comes into force [3][in the city or, in the suburbs, after the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950;]

Bom. VII of 1950.

(*b*) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached, or suspended in, upon, from or to any place in contravention of sub-section (*1*) of section 313;

[4]* * *

Commissioner may, without notice, remove anything erected in contravention of section 312, after it comes into force or deposited, etc., in contravention of section 313.

315. (*1*) The Commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture, which it would be unlawful to erect or set up after section 312 comes into force, has been erected or set up before the said section comes into force [5][in the city or, in the suburbs, before the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950,] to remove the said wall, fence, rail, post, step, stall or other structure or thing.

Bom. VII of 1950.

(*2*) But, if in any such case the structure or fixture shall have been lawfully erected or set up, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Power to require removal of any structure or fixture erected or set up before section 312 came into force.

316. (*1*) No person shall tether any animal or cause or permit the same to be tethered by any member of his family or household, in any public street.

(*2*) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a police officer, or may be removed by a police officer, who shall deal therewith as with an animal found straying.

Prohibition of the tethering of animals in the public streets.

---

[1] Section 313A was added by Bom. 1 of 1925, s. 19A.
[2] This section was inserted by Bom. 5 of 1938, s. 37.
[3] These words, brackets and figures were inserted by Bom. 7 of 1950, s. 25.
[4] Clause (*c*) inserted by Bom. 19 of 1930, s. 14, was deleted by Bom. 5 of 1938, s. 38.
[5] These words, brackets and figures were inserted by Bom. 7 of 1950, s. 26.

Temporary Erections on Streets during Festivals.

Commissioner may permit booths, etc., to be erected on streets on festivals.

317. With the concurrence of the Police Commissioner, the Commissioner may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals.

Provisions concerning execution of works in or near to streets.

Street when broken up for any municipal purpose to be restored without delay.

318. Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant, for the execution of any work on behalf of the corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all convenient speed; and on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay.

Commissioner may close street in which work is in progress.

319. (*1*) The Commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

(*2*) No person shall, without the permission of the Commissioner or without the lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

Commissioner to provide for traffic, etc., pending execution of municipal work in any street.

320. Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic, for securing access to all premises approached from such street, and for any drainage, water-supply, or means of lighting which may be interrupted by reason of the execution of the said work and shall pay compensation to any person who sustains special damage by reason of the execution thereof.

Precautions to be taken for the public safety whilst municipal works are in progress in any street.

321. (*1*) Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall—

(*a*) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings;

(*b*) have any place where the soil or pavement has been opened or broken up, fenced and guarded;

(*c*) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 319, for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up.

(*2*) No person shall, without the written permission of the Commissioner or without other lawful authority, remove any shoring-timber or fence, or extinguish any light, employed or set up for any of the purposes of this section.

Streets not to be opened or broken up and building-materials not to be deposited thereon without permission.

322. (*1*) No person other than the Commissioner or a municipal officer or servant shall, without the written permission of the Commissioner or without other lawful authority,—

(*a*) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other material or thing forming part of any street; or (*b*) deposit any building-materials in any street;

(*c*) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(*2*) Any permission granted under clause (*b*) or clause (*c*) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours written notice of the termination thereof to the person to whom such permission was granted.

[1][(*3*) Except in cases in which permission has been applied for under clause (*b*) of sub-section (*1*) for the deposit of building-materials in any street and no reply has been sent to the applicant within seven days from the date of the application, the Commissioner may, without notice, cause to be removed any building-materials, or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-section (*1*), or which, having been deposited or set up with such permission or authority, have not been removed within the period specified in the notice issued under sub-section (*2*).]

Precautions for public safety to be taken by persons to whom permission is granted under section 322.

323. Every person to whom any permission is granted under section 322 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building-materials or set up any scaffold, erection or other thing, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

Persons to whom permission is granted under section 322 must reinstate streets, etc.

324. (*1*) Every person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under other lawful authority, opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay, to the satisfaction of the Commissioner.

(*2*) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement, and the expenses incurred by the Commissioner in so doing shall be paid by the said person.

Provisions to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt streets.

325. The Commissioner may, by written notice, require any person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under any other lawful authority, opens or breaks up the soil or pavement of any street, for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic, for securing access to the premises approached from such street and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work.

Hoards to be set up during work on any building adjacent to a street.

326. (*1*) No person who proposes to build, take down or re-build any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered less convenient, commence doing so, without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

---

[1] Sub-section (*3*) was inserted by Bom. 6 of 1913, s. 3.

(*2*) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the Commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience and, in all cases in which the same is necessary to prevent accidents, the said person shall cause such hoard or fence to be well lighted during the night.

(*3*) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

Naming of streets, etc.

Naming streets, and numbering of houses.

327. (*1*) The Commissioner may, from time to time,—

(*a*) with the sanction of the corporation, determine the name by which any street shall be known;

(*b*) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name of such street as so determined;

[1][(*c*) with the sanction of the corporation determine the number by which any premises shall be known;]

[1][(*d*) by written notice require the owner of any premises, either to put up or paint a number on such premises in such position and manner as may be specified in such notice, or to signify in writing his desire that the work shall be executed under the orders of the Commissioner.]

(*2*) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure any such name or number, or put up or paint any name or number different from that put up or painted by order of the Commissioner.

[2][(*3*) Where a number is put up or painted on any premises under the orders of the Commissioner in accordance with clause (*d*) of sub-section (*1*), the expenses of such work shall be payable by the owner of the premises:]

Provided that the maximum rate of charge for such work shall be fixed by the Commissioner with the previous sanction of the corporation.

[3][*Sky-signs and Advertisements.*

Regulations as to sky-signs.

[3]**328.** (*1*) No person shall, without the written permission of the Commissioner, erect, fix or retain any sky-sign, whether now existing or not, and no such written permission shall be granted, or renewed, for any period exceeding two years from the date of each such permission or renewal:

Provided that in any of the following cases a written permission or renewal by the Commissioner under this section shall become void, namely:—

(*a*) if any addition to the sky-sign be made except for the purpose of making it secure under the direction of the municipal [4][city engineer;]

(*b*) if any change be made in the sky-sign, or any part thereof;

---

[1] Clauses (*c*) and (*d*) were substituted for the original clause (*c*) by Bom. 2 of 1911, s. 10 (*1*).

[2] This sub-section was added, *ibid.*, s. 10 (*2*).

[3] This heading and new sections 328 and 328A were substituted for the original heading and section 328 by Bom. 7 of 1921, s. 10.

[4] The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6.

(*c*) if the sky-sign or any part thereof fall either through accident, decay or any other cause;

(*d*) if any addition or alteration be made to, or in, the building or structure upon or over which the sky-sign is erected, fixed or retained, if such addition or alteration involves the disturbance of the sky-sign or any part thereof;

(*e*) if the building or structure upon or over which the sky-sign is erected, fixed or retained become unoccupied or be demolished or destroyed.

(*2*) Where any sky-sign shall be erected, fixed or retained after the [1][coming into force of this section in the city or in the suburbs after the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950,] upon or over any land, building or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

Bom. VII of 1950.

(*3*) If any sky-sign be erected, fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by written notice, require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

The expression " sky-sign " shall in this section mean any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard frame-work or other support wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard frame-work or other support. The expression " sky-sign " shall also include any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street, but shall not include

(*a*) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction;

(*b*) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported;

(*c*) any word, letter, model, sign, device or representation as aforesaid; relating exclusively to the business of a railway company, and place wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway company, and so placed that it cannot fall into any street or public place;

(*d*) any notice of land or buildings to be sold, or let, placed upon such land or buildings.]

Regulation and control of advertisements.

[2][328A. (*1*) No person shall, without the written permission of the Commissioner, erect, exhibit, fix or retain any advertisement whether now existing or not, upon any land, building, wall, hoarding or structure:

---

[1] These words, brackets and figures were substituted for the words " enactment of this section " by Bom. 7 of 1950, s. 27.

[2] The heading and new sections 328 and 328A were substituted for the original heading and section 328 by Bom. 7 of 1921, s. 10.

Provided always that such permission shall not be necessary in respect of any advertisement which is not an illuminated advertisement nor a sky-sign and which—

(*a*) is exhibited within the window of any building;

(*b*) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein, or to any sale, entertainment or meeting to be held upon or in the same; [1][or to the trade or business carried on by the owner of any tram-car, omnibus or other vehicle upon which such advertisement is exhibited;]

(*c*) relates to the business of any railway company;

(*d*) is exhibited within any railway station or upon any wall or other property of a railway company, except any portion of the surface of such wall or property fronting any street:

[2][Provided also that such permission shall not be necessary for a period of three years after the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950, in respect of advertisements upon a site in the suburbs which was occupied by advertisements on the first day of January 1950]; Bom. VII of 1950.

(*2*) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the enactment of this section [3][or, as the case may be, the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950,] upon any land, building, wall, hoarding or structure save and except as permitted or exempted from permission as hereinbefore provided, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance. Bom. VII of 1950.

(*3*) If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of this section after the written permission for the erection, exhibition, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement.

(*4*) [4][(*a*)] The word "structure" in this section shall include [5][a tram-car, omnibus and any other vehicle and any moveable board] used primarily as an advertisement or an advertising medium; [6][and

(*b*) the expression "illuminated advertisement" in this section shall not include an illuminated display of goods, if such display

(*i*) is of goods merely bearing labels showing the name of the article or of its manufacturer or of both, and

(*ii*) is made by lighting which is not, in the opinion of the Commissioner, more than is necessary to make the goods and labels visible at night.]

---

[1] These words were inserted by Bom. 19 of 1930, s. 15 (*a*).

[2] This proviso was substituted for the original by Bom. 7 of 1950, s. 28 (*a*).

[3] These words, brackets and figures were inserted, *ibid*, s. 28 (*b*).

[4] The brackets and letter "(*a*)" were inserted by Bom. 12 of 1935, s. 2 (*1*).

[5] These words were substituted for the words "any moveable board on wheels" by Bom. 19 of 1930, s. 15 (*b*).

[6] These words, brackets, figures and letter were added by Bom. 12 of 1935, s. 2 (*2*).

Dangerous places.

Commissioner to take proceedings for repairing or enclosing dangerous places.

329. (*1*) If any place is, in the opinion of the Commissioner, from want of sufficient repair, protection or enclosure, or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons, other than the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, he may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom.

(*2*) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place. Any expense incurred by the Commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers.

Lighting of streets.

Public streets to be lighted.

330. The Commissioner shall—

(*a*) take measures for lighting in a suitable manner the public streets and municipal markets and all buildings vesting in the corporation; and

(*b*) procure, erect and maintain such a number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose; and

(*c*) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the corporation shall from time to time determine; and may—

(*d*) place and maintain electric wires for the purpose of lighting such lamps under, over, along or across, and posts, poles, standards, stays, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon, any immoveable property without being liable to any claim for compensation thereanent:

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

Prohibition of removal, etc., of lamps.

331. No person shall, without lawful authority, take away or wilfully break, throw down or damage—

(*a*) any lamp, lamp-post or lamp-iron set up in any public street or any municipal market or building vesting in the corporation;

(*b*) any electric wire for lighting any such lamp;

(*c*) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp;

and no person shall wilfully extinguish the light or damage any appurtenance of any such lamp.

Persons accidentally breaking lamp to repair the damage.

332. If any person shall, through negligence or accident, break any lamp set up in any public street or municipal market or building vesting in the corporation, he shall pay the expenses of repairing the damage so done by him.

Manner of laying gas-pipes.

333. (*1*) No gas-pipe shall be laid in a drain or on the surface of an open channel or house-gully.

(*2*) Gas-pipes shall be laid at the greatest practicable distance from water-pipes, having regard to the width of the street. Where the width of the street will allow of it, the said distance shall not be less than four feet.

(*3*) When it is necessary for a gas-pipe to cross a water-pipe, a gas-pipe shall, if practicable, be laid above the water-pipe. A gas-pipe so laid shall be at least nine feet in length and, as nearly as the situation will admit of, shall be so placed as to form with the water-pipe a right angle and so that no joint in the gas-pipe will be nearer to any water-pipe than four feet. The greatest practicable distance shall be kept between a water-pipe and a gas-pipe which crosses it, and the gas-pipe shall, throughout its entire length, be sufficiently bedded in with good sound clay or other fit material of a proper consistence, which shall be well worked and rammed into a trench all round the gas-pipe.

(*4*) If any gas-pipe be laid in any way contrary to the provisions of this section the Commissioner may make such alteration with respect to such pipe as he shall think necessary and the expenses thereof shall be paid by the person under whose order or management the pipe has been laid.

Situation of gas-pipes, etc., may be altered by Commissioner.

334. (*1*) The Commissioner may, whenever for any of the purposes of this Act it shall appear to him necessary, by written notice, require the owner of any gas-pipe or of any other gas-work laid in any street to raise, sink or otherwise, alter the situation of such pipe or work.

(*2*) Every alteration required to be made under sub-section (*1*) shall be made at the charge of the municipal fund, and compensation shall be paid to the owner by the Commissioner for the damage, if any, which he sustains by reason of such alteration :

(*3*) Provided that no such alteration shall be made which will prevent gas passing through any pipe or work as freely and conveniently as, having regard to all the requirements of this Act, is practicable.

Buildings, etc., not to be erected without permission over municipal gas-pipes.

335. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any gas-pipe belonging to the corporation.

(*2*) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to the Commissioner shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Watering of Streets.

Measures for watering.

336. The Commissioner may—

(*a*) take measures for having the public streets watered at such time and seasons and in such manner as he shall think fit;

(*b*) procure and maintain such water-carts, animals and apparatus as he shall think fit for the said purpose.

CHAPTER XII.

BUILDING REGULATIONS.

Notices regarding Erection of Buildings.

Notice to be given to Commissioner of intention to erect a building.

337. (*1*) Every person who shall intend to erect a building shall give to the Commissioner notice of his said intention in a form, obtained for this purpose under section 344, specifying the position of the building intended to be erected, the description of building, the purpose for which it is intended, [1]* its dimensions [2][and the name of the person whom he intends to employ to supervise its erection.]

[3][(*2*) In this Chapter " to erect a building " means—

(*a*) newly to erect a building, or

(*b*) to re-erect—

(*i*) any building of which more than three-quarters of the cubical contents of the building above the level of the plinth have been pulled down, or

(*ii*) any masonry walled building of which more than three-quarters of the superficial area of the external walls above the level of the plinth has been pulled down, or

(*iii*) any frame-building of which more than three-quarters of the number of posts have been pulled down, or

(*c*) to convert into a dwelling-house any building not originally constructed for human habitation, or

(*d*) to convert into more than one dwelling-house a building originally constructed as one dwelling-house only;

and a dwelling so erected, re-erected or converted is called in this Chapter " a new building."

Commissioner may require plans and other documents to be furnished.

[4][**338.** (*1*)] At any time within thirty days after receipt of any notice under section 337, the Commissioner may, by written notice, require the person who has given the notice first herein before in this section mentioned, to furnish to the Commissioner all or any of the following documents, namely :—

[5][(*a*) correct plans and sections of every floor of the building intended to be erected, which shall be drawn to a scale of not less than one inch to every eight feet and shall show the position, form, dimensions and means of ventilation of and of access to the several parts of such building and its appurtenances [6][and the particular part or parts thereof which are, and those which are not, intended to be used for human habitation] and in the case of a building intended to be used as a dwelling-house for two or more families or for carrying on any trade or business in which a number of people exceeding twenty may be employed or as a place of public resort, the means of ingress and egress. Such plans and sections shall also show the depth and nature of the foundations and the proposed dimensions of all the walls, posts, columns, beams, joists and all girders and scantlings to be used in the walls, staircases, floors, and roofs of such building ;]

[7][(*b*) a specification of each description of work proposed to be executed and of the materials to be employed. Such specification shall include a description of the proposed method of drainage of the building intended to be erected and of

---

[1] The word " and " repealed by Bom. 5 of 1905, s. 44, is omitted.

[2] These words were added, *ibid.*

[3] This sub-section was substituted for the original sub-section (*2*) by Bom. 1 of 1916 s. 4.

[4] Section 338 was re-numbered section 338 (*1*) by Bom. 5 of 1905, s. 45 (*1*).

[5] Clause (*a*) was substituted for the original clause (*a*) by Bom. 5 of 1905, s. 45 (*2*).

[6] These words were inserted by Bom. 1 of 1916, s. 5 (*1*).

[7] Clause (*b*) was substituted for the original clause (*b*) by Bom. 5 of 1905, s. 45 (*2*).

the sanitary fittings to be used and also of the means of water-supply and shall if required by the Commissioner, be supplemented by detailed calculations showing the sufficiency of the strength of any part of such building;]

(*c*) a block plan of such building which shall be drawn to [1][the scale of the largest revenue survey map at the time being in existence for the locality in which the building is, or is to be situated] and shall show the position and appurtenances of the properties, if any, immediately adjoining, the width and level of the street, if any, in front and of the street, if any, at the rear of such building, the levels of the foundations and lowest floor of such building and of any yard or ground belonging thereto [2][and the means of access to such building;]

(*d*) a plan showing the intended line of drainage of such building, and the intended size, depth and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains.

[3][(*2*) At any time within the said period the Commissioner may also by written notice require the said person to open for inspection any portion or portions of the intended foundations or any portion or portions of the foundations or walls of the existing building.]

Commissioner may require plans etc., submitted under last preceding section, to be prepared by a licensed surveyor.

339. The Commissoner may decline to accept any plan, section or description as sufficient for the purposes of the last preceding section, which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.

Additional information and the attendance of the person who gave the notice may be required

340. If the notice given under section 337 and the documents, if any, furnished under section 338 do not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, the Commissioner may, at any time within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

Effect of non-compliance with requisition under section 338 or 340.

341. If any requisition made under section 338 or 340 is not complied with, the notice given under section 337 shall be deemed not to have been given.

Notices regarding Execution of Works not amounting to the Erection of a building.

Notice to be given to the Commissioner of intention to make additions, etc., to a building.

342. Every person who shall intend—

(*a*) to make any addition to a building, or

(*b*) to make any alteration or repairs to a building, not being a frame-building, involving the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the [4][plinth level], such half to be measured in superficial feet, or

(*c*) to make any alteration or repairs to a frame-building, involving the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid, [5][or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level], such half to be measured in superficial feet, or

---

[1] These words were substituted for the words "a scale of not less than one inch to every forty feet" by Bom. 1 of 1916, s. 5 (*2*).

[2] These words were added by Bom. 5 of 1905, s. 45 (*3*).

[3] Sub-section (*2*) was inserted, *ibid.*, s. 45 (*4*).

[4] These words were substituted for the words "ground level" by Bom. 1 of 1916, s. 6 (*1*).

[5] These words were inserted by *ibid.*, s. 6 (*2*).

[1][(cc) to make any alteration in a building involving—

(i) the sub-division of any room in such building so as to convert the same into two or more separate rooms,

(ii) the conversion of any passage or space in such building into a room or rooms, or]

(d) to remove or reconstruct any portion of a building abutting on a street which stands within the regular line of such street,

shall give to the Commissioner, in a form obtained for this purpose under section 344, notice of his said intention, specifying the position of the building in which such work is to be executed, [2]* the nature and extent of the intended work, [3][the particular part or parts, if any, of such work which is or are intended to be used for human habitation] [4][and the name of the person whom he intends to employ to supervise its execution.]

Plans and additional information may be called for.

343. (1) If any notice given under the last preceding section does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice, require the person who gave the notice first hereinbefore in this section mentioned to furnish plans and sections [5][of the building and] of the intended new work or of any specified portion of the intended new work, [6][and the provisions of sections 338, 339, 340 and 341 shall apply to the intended new work so far as the Commissioner may consider them to be applicable].

[7][(2) The Commissioner may also, at any time within the said period by written notice require the said person to open for inspection any portion or portions of the foundations or walls of the existing building.]

Forms of notices.

Printed forms of notices to be supplied to the public.

344. (1) The Commissioner shall cause printed forms of notices for the purposes of section 337 or 342 to be delivered to any person requiring the same, on payment of such fee not exceeding eight annas for each form as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee.

(2) There shall be printed on the reverse of every such notice, or on a separate paper supplied without extra charge therewith, a copy of sections 337, 338, 339, 340, 341, 342, 343, [8][344A], 345, 346, 347, 348, [9][349, 349A, 349B], [10][349C and 349D] and of all by-laws made under clauses (c), (d) and (e) of section 461 at the time in force.

Commencement of work.

Supervision of buildings and works.

[11][**344A.** (1) Every person who intends to erect a building, or execute any such work as is described in section 342, shall employ a person, who shall be competent to the satisfaction of the Commissioner, to supervise the erection of such building or the execution of such work.

---

[1] This clause was inserted by Bom. 6 of 1916, s. 5.

[2] The word "and" repealed by Bom. 5 of 1905, s. 46, is omitted.

[3] These words were inserted by Bom. 1 of 1916, s. 6 (3).

[4] These words were added by Bom. 5 of 1905, s. 46.

[5] These words were inserted, *ibid.*, s 47 (1).

[6] These words were substituted for the original words, *ibid.*

[7] Sub-section (2) was substituted for the original sub-section, *ibid.*, s. 47. (2).

[8] These figures and letter were inserted, *ibid.*, s. 48 (a).

[9] These figures and letters were substituted for the original word and figures *ibid.*, s. 48 (b).

[10] These figures and letters were substituted for the original word, figures and letter by Bom. 2 of 1911, s. 11.

[11] Section 344A was inserted by Bom. 5 of 1905, s. 49.

(*2*) The Commissioner may in each case require that the person to be so employed shall be a licensed surveyor; and the Commissioner shall, within seven days from the receipt of the notice of intention under section 337 or 342, as the case may be—

(*a*) approve the person named therein to supervise the building or work, or

(*b*) return the said notice for amendment if the person so named—

(*i*) is not a licensed surveyor, and

(*ii*) is not, in the opinion of the Commissioner, a fit and proper person to supervise such building or work.

(*3*) A notice of intention returned for amendment under sub-section (*2*) shall be deemed not to have been given until it has been re-submitted duly amended.

(*4*) Where the person so employed dies or ceases to be so employed before such building or work is completed, the further erection of such building, or the further execution of such work, shall forthwith be suspended until—

(*a*) a licensed surveyor whose name shall be fortwith reported to the Commissioner, or

(*b*) another person approved by the Commissioner has been so employed.]

When building or work may be proceeded with.

345. If within thirty days after receipt of any notice under section 337 or 342, or of the plan, section, description or further information, if any, called for under section 338, 340 or 343, as the case may be, the Commissioner fails to intimate in writing, to the person who has given the said notice, his disapproval of the building which the said person proposes to erect, or of the work which he proposes to execute;

or if, within the said period, the Commissioner signifies in writing to the said person his approval of the said building or work;

the said person may, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any by-law made under this Act at the time in force.

Building or work which is disapproved by the Commissioner may be proceeded with, subject to terms.

346. (*1*) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some by-law made hereunder at the time in force or will be unsafe, he may, at any time within thirty days of the receipt of the notice or of the plan, section, description or further information if any, called for under section 338, 340, or 343, as the case may be, by a written notice intimate to the person who gave the notice first hereinbefore in this section mentioned his said disapproval and the reason for the same, and prescribed terms subject to which the building or work may be deemed to be approved by him.

(*2*) The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms prescribed as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub-section (*1*) of the written notice in this behalf, but not so as to contravene any of the provisions of this Act or any by-law made hereunder at the time in force.

When work may be commenced.

347. (*1*) No person shall commence to erect any building or to execute any such work as is described in section 342—

(*a*) until he has given notice of his intention as hereinbefore required to erect such building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in section 345 or 346;

[1][(*aa*) until he has given notice to the municipal [2][city engineer] of the proposed date of commencement. Where the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given :]

(*b*) after the expiry of the period of one year prescribed in sections 345 and 346, respectively, for proceeding with the same.

(*2*) If a person, who is entitled under section 345 or 346 to proceed with any building or work, fails so to do within the period of one year prescribed in the said sections, respectively for proceeding with the same, he may at any subsequent time give a fresh notice of his intention to erect such building or execute such work, and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

Building not to be converted to other purposes without the permission of the Commissioner.

[3][**347A.** No person shall, without the written permission of the Commissioner,—

(*a*) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose, or

(*b*) convert into, or use, or permit to be used, as a chawl or building intended to form a range or separate rooms for lodgers, a building not originally designed or authorised to be so used.

Building for human habitation not to be used as godown, etc.

[4][**347B.** No person shall without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission use or permit to be used any building or any part of a building originally constructed or authorised to be used for human habitation as a godown, warehouse, workshop, workplace, factory, stable or a motor garage.]

No alterations to be made in buildings for human habitation without written permission of Commissioner.

[4][**347C.** No person shall without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission make any alteration or cause any alteration to be made in an existing building originally constructed or authorised to be used for human habitation for the purpose of using it or causing it to be used as a godown, warehouse, workshop, workplace, factory, stable or mortgage.]

Provisions as to structure, materials, etc.

Provisions as to buildings which are to be newly erected.

348. (*1*) With respect to buildings which are to be newly erected [5]* * * the following provisions shall have effect, namely :—

(*a*) The erection of any such building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner.

(*b*) The erection of any such building in any part of [6][Greater Bombay] in which the position and direction of the streets likely to be required in the future have not yet been laid down or determined shall, with the assent of the standing committee disapproved by the Commissioner, unless the site proposed for such building is, in the opinion of the Commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water-supply and ventilation: Provided that any person whose building is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future streets in the vicinity of his intended building be forthwith laid down and determined, and if such requisition be not complied within six months from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building.

---

[1] Clause (*aa*) was inserted by Bom. 5 of 1905, s. 50.

[2] The words " city engineer " were substituted for the words " executive engineer " by Bom. 19 of 1930, s. 6.

[3] Section 347A was inserted by Bom. 1 of 1916, s. 7.

[4] Sections 347B and 347C were inserted by Bom. 76 of 1948, s. 25.

[5] Words, repealed by Act 5 of 1905, are omitted.

[6] These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6 (*1*).

(*c*) The foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing, excrementitious matter or the carcasses of dead animals or other filthy or offensive matter, until such matter shall have been properly removed to the satisfaction of the Commissioner.

(*d*) Every such building intended to be used as a dwelling shall be built with a plinth at least two feet above the centre of the nearest street and not below such standard level as may be fixed by the Commissioner in this behalf.

[1]* * (*e*) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such building intended to be used as a dwelling shall be so constructed that the whole of at least one side of every room thereof shall either be an external wall or abut on an interior open space. Such external wall, except where it faces a street of not less than fifteen feet in width, shall have between it and the boundary line of the owner's premises an open space, extending throughout the entire length of such wall, at least two feet wide or, in the case of a chawl or building intended to form a range of separate rooms for lodgers, at least five feet wide. Such interior open space shall have an area equal to not less than one-tenth of the aggregate floor-area of all the rooms abutting thereon and shall not be in any direction less than six feet across. And every open space, whether exterior or interior, required by this clause, shall be and be kept free from any erection thereon and open to the sky, and shall be and be kept open to access from each end thereof.

(*f*) Every room intended to be inhabited in any such building, except a room in the roof thereof, shall be in every part at least [2][ten] feet in height from the floor to the ceiling.

(*g*) Every such room in the roof of any such building shall have an average height of at least [3][eight] feet from the floor to the ceiling [4][and a minimum height of not less than four feet].

(*h*) Every such room shall have a clear superficial area of not less than [5][one hundred] square feet.

(*j*) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such room shall be ventilated by means of doors or windows which open directly into the external air and have an aggregate opening equal to not less than one-fourth of the superficial area of the side of the room which faces an open space.

---

[1] The original clause (*e*) was a deleted by Bom. 5 of 1905, s. 51(*b*) and the subsequent clauses were renumbered accordingly.

[2] The word "ten" was substituted for the word "eight" by Bom. 5 of 1905, s. 51(*c*).

[3] The word "eight" was substituted for the word "seven", *ibid*, s. 51(*d*) (*i*).

[4] These words were inserted, *ibid*, s. 51 (*d*) (*ii*).

[5] The words "one hundred" were substituted for the word "eighty", *ibid*, s. 51(*e*).

(*k*) Huts or sheds, or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stables or for any other purpose, shall be built, if the Commissioner thinks fit so to require,—

(*i*) so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Commissioner thinks proper for ventilation and for facilitating scavenging, and

(*ii*) with such and so many privies, latries or urinals and such means of drainage as the Commissioner deems necessary ; and

(*iii*) at such a level as will suffice for the means of drainage requred by the Commissioner.

(*2*) Nothing in clause (*a*) shall be deemed to affect the power of [1][the Central Government] to determine, under section 38 of the Bombay Port Trust Act, 1879, any dispute which arises between the Trustees of the Port of Bombay and the Commissioner as to whether any road within the limits of the property of the said trustees has been duly levelled, metalled or paved, sewered and drained.

Bom. IV of 1879.

Roofs and external walls of buildings not to be of inflammable materials.

349. (*1*) No external wall and no covering of a roof built or renewed since the Bombay Municipal Act, 1872[2], came into force shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material.

Bom. III of 1872.

(*2*) If any external wall or covering of a roof is or has been, since the said Act came into force, constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

[3][(*3*) In relation to buildings in the suburbs, the provisions of this section shall apply as if for the reference in sub-sections (*1*) and (*2*) to the Bombay Municipal Act, 1872, reference had been made to the Bombay Municipal (Extension of Limits) Act, 1950 :

Bom. III of 1872.

Bom VII 1950.

Provided that nothing in sub-section (*2*) shall prevent the Commissioner from requiring the removal of any external wall or covering if it was built or renewed or retained in contravention of any law in force in the suburbs immediately before the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950.]

Bom. VII of 1950

Maximum height of buildings.

[4][**349A.** (*1*) Except with the written permission of the Commissioner, no building shall be erected or raised to a greater height than seventy-feet as measured from the level of the centre of the street in front—

(*a*) in the case of a pitched roof, up to the tie-beam of the roof, and

(*b*) in the case of a flat roof up to the surface of the roof.

---

[1] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Bom. 3 of 1872 was repealed by s. 2 of this Act.

[3] Sub-section (*3*) and proviso were added by Bom. 7 of 1950, s. 29.

[4] Sections 349A and 349B were inserted by Bom. 5 of 1905, s. 52.

(*2*) In the case of a pitched roof, the roof above that height shall rise at an angle of not more than forty-five degrees.

(*3*) In the case of a flat roof, a parapet of not more than three feet in height may be constructed above the maximum height specified in sub-section (*1*).]

Height of buildings with reference to width of streets.

[1][**349B.** Subject to the maximum prescribed by section 349A, the height to which a building may be erected or raised shall be regulated by the width of the street on which it abuts, in accordance with the following rules, namely :—

(*1*) if the width of the street does not exceed twenty-six feet, the building shall not be erected or raised to a height greater than one and one-half times the width of the street;

(*2*) if the width of the street exceeds twenty-six feet but does not exceed forty feet, the building shall not be erected or raised to a height greater than forty feet; and

(*3*) if the width of the street exceeds forty feet, the building shall not be erected or raised to a height greater than the width of such street;

(*4*) where the building abuts upon more than one street, its height shall be regulated by the wider of such streets so far as it abuts upon such wider street and also, to a distance of eighty feet from such wider street, so far as it abuts upon the narrower of such streets :

Proviso in case of set-back.

Provided that, if the face of the building is set-back from the street at any height not exceeding the height specified in sub-section (*1*), sub-section (*2*), or sub-section (*3*) as the case may be, such building may be erected or raised to a height greater than that so specified but not so that any portion of the building shall intersect any of a series of imaginary straight lines drawn from the line of set-back, in the direction of the portion set-back, at an angle of forty-five degrees with the horizontal.]

Frame-buildings.

[2][**349C.** After the commencement of this Act no building the external walls of which are of timber-framed construction shall be erected or re-erected so as to consist of more than one ground floor and one upper storey :

Provided that the Commissioner may by special order grant permission for the erection of such a building of more than two storeys or for the construction of one or more additional storeys if satisfied that such building will be or is of thoroughly sound material and construction and can safely support the same.]

Provision of sufficient means of egress.

[3][**349D.** Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exist in the event of fire, he may, with the approval of the standing committee, by written notice require the owner or occupier of the building to alter or reconstruct any existing staircase in such manner or to provide such additional or emergency staircases, as he may prescribe.]

---

[1] Sections 349A and 349B were inserted by Bom. 5 of 1905, s. 52.

[2] Section 349C was inserted by Bom. 5 of 1905, s. 52.

[3] Section 349D was inserted by Bom. 2 of 1911, s. 12.

Special conditions with respect to erection or re-erection of buildings, maximum heights of buildings, etc., in suburbs.

[1][**349E.** (*1*) Notwithstanding anything contained in sections 348 to 349D (both inclusive) the corporation may by bye-laws prescribe special conditions with respect to erection or re-erection of buildings, the maximum heights of buildings, roofs and external walls of buildings, set-backs of buildings, and other matters relating to buildings in the suburbs or in any part thereof.

Bom. VII of 1950.
Bom. V of 1879.
Bom. VII of 1950.

(*2*) Until such bye laws are made or until the expiration of two years from the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950, whichever is earlier, the conditions provided by or under the Bombay Land Revenue Code, 1879, or rules made thereunder or by bye-laws or rules made by any local authority abolished by the provisions of the Bombay Municipal (Extension of Limits) Act, 1950 shall continue to be applicable to the erection or re-erection of buildings, the maximum heights of buildings, roofs and external walls of buildings, set-backs of buildings and other matters relating to buildings in the suburbs or in any part thereof, as the case may be:

Bom. V of 1879.

Provided that, in the case of any land in the suburbs there are no provisions in force of the Bombay Land Revenue Code, 1879, or rules made thereunder or of the bye-laws or rules of any local authority, the Commissioner or any officer authorised by him in this behalf may impose such conditions as he thinks fit until the bye-laws aforesaid are made.]

Inspection

Inspection of buildings in course of erection, alteration, etc.

350. The Commissioner may at any time during the erection of a building or the execution of any such work as is described in section 342 make an inspection thereof, without giving previous notice of his intention so to do.

Proceedings to be taken in respect of building or work commenced contrary to section 347.

351. (*1*) If the erection of any building or the execution of any such work as is described in section 342, is commenced contrary to the provisions of section 347, the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 354, shall—

(*a*) by written notice, require the person who is erecting such building or executing such work, or has erected such building or executed such work, [2][or who is the owner for the time being of such building or work], on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and addressed to the Commissioner, to show sufficient cause why such building or work shall not be removed, altered or pulled down; or

(*b*) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an agent duly authorised by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

(*2*) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such building or work shall not be removed altered or pulled down, the Commissioner, with the approval of the standing committee, may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

---

[1] Section 349E was inserted by Bom. 7 of 1950, s. 30.

[2] These words were inserted by Bom. 64 of 1953, s. 14.

Buildings or works commenced contrary to section 347 may be cut into and laid open for purposes of inspection.

352. (*1*) If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in the last preceding section anything has been done contrary to any provision of this Act or of any by-law made under this Act at the time in force, or that anything required by any such provision or by-law to be done has been omitted to be done;

and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained;

the Commissioner may, with the approval of the standing committee, by written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work to cause so much of the building or work as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(*2*) If it shall thereupon be found that in the erection of such building or the execution of such work nothing has been done contrary to any provision of this Act or any by-law made under this Act at the time in force, and that nothing required by any such provision or by-law to be done has been omitted to be done, compensation shall be paid by the Commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work.

Enforcement of provisions concerning buildings and works.

353. The Commissioner may, at any time during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice, specify any matter in respect of which the erection of such building or the execution of such work may be in contravention of any provision of this Act or of any by-law made under this Act at the time in force, and require the person erecting or executing or who has erected or executed such building or work, or, if the person who has erected or executed such building or work is not at the time of the notice the owner thereof, then the owner of such building or work, to cause anything done contrary to any such provision or by-law to be amended or to do anything which by any such provision or by-law may be required to be done but which has been omitted to be done.

Completion certificates permission to occupy or use.

[1]**353A.** (*1*) Every person who employs a licensed surveyor or person approved by the Commissioner to erect a building or execute any such work as is described in section 342 shall, within one month after the completion of the erection of such building or the execution of such work, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of such completion, accompanied by a certificate in the form of Schedule T signed by the person employed under section 344A, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work:

Provided that—

(*a*) such inspection shall be commenced within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days from the date of commencement of such inspection, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the building to which such notice relates—

(*i*) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

---

[1] Section 353A was inserted by Bom. 5 of 1905, s. 53.

(*ii*) refuse such permission in case such building has been erected or such work executed so as to contravene any provision of this Act or of the by-laws.

(*2*) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any such work, until—

(*a*) the permission referred to in proviso (*b*) to sub-section (*1*) has been received, or

(*b*) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate as aforesaid his refusal of the said permission.]

Dangerous Structures.

Removal of structures, etc., which are in ruins or likely to fall.

354. (*1*) If it shall at any time appear to the Commissioner that any structure (including under this expression any building, wall or other structure and anything affixed to or projecting from, any building, wall or other structure) is in a ruinous condition, or likely to fall, or in anyway dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof, the Commissioner may, by written notice, require the owner or occupier of such structure to pull down, secure or repair such structure, and to prevent all cause of danger therefrom.

(*2*) The Commissioner may also if he thinks fit, require the said owner or occupier, by the said notice, either forthwith or before proceeding to pull down, secure or repair the said structure, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

[1][*Works unlawfully carried on.*]

Power of Commissioner to stop erection of building or work commenced or carried on unlawfully.

[2][**354A.** (*1*) If the Commissioner is satisfied that the erection of any building or the execution of any such work as is described in section 342 has been unlawfully commenced or is being unlawfully carried on upon any premises, the Commissioner may, by written notice, require the person erecting such building or executing such work to stop such erection or work within the period specified in the notice.

(*2*) If the erection of the building or execution of the work is not stopped within the period specified in the notice given under sub-section (*1*), the Commissioner may direct that any person directing or carrying on such erection or work shall be removed by any police officer from the place where the building is being erected or the work is being executed.]

[3][*Regulation of certain classes of buildings in particular localities.*

Power to regulate future construction of certain classes of buildings in particular streets or localities.

354-AA. (*1*) The Commissioner may give public notice of his intention to declare, subject to any valid objection that may be preferred within a period of three months,—

(*a*) that in any streets or portions of streets specified in such notice the elevation and construction of the frontage of all buildings or any classes of building thereafter erected or re-erected shall in respect of their architectural features be such as the Corporation may consider suitable to the locality;

(*b*) that in any localities specified in the notice there shall be allowed the construction of only detached or semi-detached buildings or both and that the land appurtenant to each such building shall be of an area not less than that specified in such notice;

---

[1] This heading was inserted by Bom. 5 of 1905, s. 54.

[2] This section was substituted for the original by Bom. 64 of 1953, s. 15.

[3] This heading and section 354-AA were inserted by Bom. 48 of 1950, s. 70.

(*c*) that the minimum of building plots in particular localities shall be of a specified area ;

(*d*) that in any localities specified in the notice the construction of more than a specified number of buildings on each acre of land shall not be allowed ; or

(*e*) that in any streets, portions of streets or localities specified in such notice the construction of shops, warehouses, factories, huts or buildings designed for particular uses shall not be allowed without the special permission of the Commissioner granted in accordance with general regulation framed by the Standing Committee in this behalf and subject to the terms of such permission only.

(*2*) The Standing Committee shall consider all objections received within a period of three months from the publication of such notice, and shall then submit the notice with a statement of objections received and of its opinion thereon to the Corporation.

(*3*) No objection received after the said period of three months shall be considered.

(*4*) Within a period of two months after the receipt of the same the Corporation shall submit all the documents referred to in sub-section (*2*) with a statement of its opinion thereon to the State Government.

(*5*) The State Government may pass such orders with respect to such declaration as it may think fit :

Provided that such declaration shall not thereby be made applicable to any street, portion of a street or locality not specified in the notice issued under sub-section (*1*).

(*6*) The declaration as confirmed or modified by the State Government shall be published in the *Official Gazette* and shall take effect from the date of such publication.

(*7*) No person shall erect or re-erect any building in contravention of any such declaration.

(*8*) Notwithstanding anything contained in this Act, after a public notice has been given under sub-section (*1*), in regard to any street or a part of a street or a locality, no person shall erect or re-erect a building abutting on such street or such part of the street or within the limits of such locality without the previous permission of the Commissioner.]

---

[1]CHAPTER XIIA.

CITY IMPROVEMENT.

Bom. XIII of 1933. Bom. XVI of 1925. Bom. IV of 1898. Bom. XVI of 1925.

Transfer of right, etc., of the Board to the corporation.

354-B. (*1*) From the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, all the property, interests, rights and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, in respect of any improvement scheme, street scheme, deferred street scheme, poorer classes accommodation scheme, reclamation scheme, or police accommodation scheme, duly sanctioned or executed before the said date in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, shall, save in so far as they are restricted or modified by the provisions of this Chapter and of sections 91A, 91B and 91C, vest in corporation.

---

[1] New Chapter XIIA was inserted by Bom. 13 of 1933, s. 35.

(2) It shall be the duty of the corporation to execute, with due diligence, any improvement scheme, street scheme, deferred street scheme, poorer classes accommodation scheme, reclamation scheme, or police accommodation scheme, duly sanctioned in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, before the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, which remains unexecuted on that date, until the completion of the scheme.

Bom. IV of 1898. Bom. XVI of 1925. Bom. XIII of 1933.

Improvement Schemes.

Commissioner to make a draft improvement scheme.

354C. (1) [1][If it shall appear to the Commissioner—

(A) that within certain limits in any part of [2][Greater Bombay]]—

(a) and buildings used, or intended or likely to be used, for human habitation, are unfit for human habitation, or

(b) the narrowness, closeness and bad arrangement or the bad condition of the streets and buildings, or groups of buildings, within such limits, or the want of light, air, ventilation or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings; and that the evils connected with such buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and buildings within such area or of some of such streets or buildings, or

(c) it is necessary to provide for the construction of buildings for the accommodation of the poorer [3]* * classes, [4][or,

(B) that for the purpose of providing building sites for the expansion of [2][Greater Bombay], or of remedying the defective ventilation of any part of [2][Greater Bombay], or of creating new or increasing the existing means of communication and facilities for traffic between various parts of [2][Greater Bombay] it is expedient to form new or to alter existing streets in any part of [2][Greater Bombay,]]

the Commissioner may—

(i) with the previous approval of the corporation, which shall not be given unless the corporation are satisfied of the sufficiency of their resources, draw up a notification stating that the Commissioner proposes to make an improvement scheme, the area to which the resolution relates and naming a place where a map of the area may be seen at all reasonable hours;

(ii) during three consecutive weeks publish simultaneously in the [5][*Official Gazette*] and in some one or more English and in some two or more vernacular newspapers circulating within [2][Greater Bombay] a copy of the said notification;

(iii) proceed to make a draft improvement scheme and submit the scheme to the Improvements Committee for approval.

(2) In making an improvement scheme more than one area may be included in one improvement scheme.

(3) With the previous approval of the corporation the Commissioner may, for the purpose of making an improvement scheme, cause surveys to be made in areas either inside or outside the limits of the area comprised in the scheme to be made.

---

[1] These words, brackets and letter were substituted for the words "If it shall appear to the Commissioner that within certain limits in any part of the city—" by Bom. 12 of 1936, s. 6 (1).

[2] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (1).

[3] The words "and working" were deleted by Bom. 34 of 1954, s. 10.

[4] These words, brackets and letter were inserted by Bom. 12 of 1936, s. 6 (2).

[5] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

No improvement schemes for areas for which housing schemes sanctioned under Bom. LXIX of 1948.

[1][**354CC.** Notwithstanding anything contained in this chapter, no improvement scheme shall be made for any area for which a housing scheme has been sanctioned under the provisions of the Bombay Housing Board Act, 1948.]

LXIX of 1948.

Improvements Committee to consider and approve draft scheme submitted by Commissioner.

354D. On the submission by the Commissioner of a draft improvement scheme the Improvements Committee shall take such scheme into their consideration and may approve the same with or without such alteration as it thinks fit.

Particulars to be provided for in an improvement scheme.

354E. (*1*) The improvement scheme, which may exclude any part of the area included in the notification referred to in section 354C, or include any neighbouring land, if the Commissioner is of opinion that such exclusion or inclusion is expedient.—

(*i*) shall, within the limits of the area comprised in the scheme, provide for—

(*a*) the acquisition of any land which will, in the opinion of the Commissioner, be necessary for or affected by the execution of the scheme;

(*b*) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets;

(*c*) the laying of such storm-water drains and sewers as may be required for the efficient draining and sewering of streets so formed or altered;

(*d*) the lighting of streets so formed or altered;

(*ii*) may, within the limits aforesaid, provide for—

(*a*) raising any land which the Commissioner may deem expedient to raise for the better drainage of the locality;

(*b*) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area;

(*c*) the whole or any part of the sanitary arrangements required; and

(*iii*) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer [2]* * classes including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

(*2*) The improvement scheme may exclude any part of the area included in the notification referred to in section 354C or include any neighbouring land, provided that the Commissioner is of opinion that such exclusion or inclusion is necessary for the proper carrying out of the scheme and provide further that previous notice of such inclusion shall have been given in the manner prescribed in section 354C (*1*) (*ii*).

---

[1] This section was inserted by Bom. 69 of 1948, s. 75, Schedule.

[2] The words "and working" were deleted by Bom. 34 of 1954, s. 11 (*1*).

[1][(*3*) If in the opinion of the Commissioner any land, within the limits of the area comprised in the improvement scheme, which is not required for the execution of the scheme, will, as the result of such execution, be increased in value, the scheme may, in lieu of providing for the acquisition of such land, provide for the levy of a betterment charge in respect of the increase in value thereof, which shall be of such amount and shall be levied at such time and in such manner as is hereinafter provided.]

Considerations which shall prevail in making the scheme.

354F. In making an improvement scheme for any area, regard shall be had to the conditions and nature of neighbouring parts of [2][Greater Bombay] and of [2][Greater Bombay] as a whole, and to the likelihood of improvement schemes being required for the neighbouring and other parts of [2][Greater Bombay].

Procedure on completion of the scheme.

354G. (*1*) Upon the approval of an improvement scheme by the Improvements Committee the Commissioner shall forthwith draw up a notification stating the fact of a scheme having been made, the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the same and statement of the [3][land which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge] may be seen at all reasonable hours, and shall—

(*a*) communicate a copy of such notification, particulars, map and statement to the corporation;

(*b*) publish the notification in the manner prescribed for the publication of a notification under section 354C.

[4][(*2*) During the thirty days next following the first day on which such notification is published the Commissioner shall serve a notice upon every person whose name appears in the Commissioner's assessment book as primarily liable for the payment of the property taxes leviable under this Act on any land or building or part of a building which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge.

(*3*) Such notice shall—

(*a*) state that the Commissioner on behalf of the Corporation proposes to acquire such land or building or part of a building or to levy a betterment charge in respect thereof for the purpose of or in connection with, an improvement scheme, and

(*b*) require the person so served if he objects to such acquisition or levy of a betterment charge, as the case may be, to state his reasons in writing within thirty days from the date of service of the notice.]

Right of owner to demand acquisition on issue of notification when building operations are in progress.

354H. (*1*) If any land is included in any statement specifying the land proposed to be acquired made in accordance with any notification drawn up under section 354G, and if the owner of such land shall prove to the satisfaction of the Collector that at the date of the said notification building operations were in progress on such land or any part thereof and the buildings were structurally complete up to the first floor level, the Collector shall call upon the Commissioner to acquire such land.

(*2*) On receipt of such notice the Commissioner shall forthwith report the matter to the Improvements Committee and the said Committee shall then resolve whether in their opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire and shall communicate their resolution within two months to the corporation who shall within one month after receipt thereof communicate to the Commissioner the decision of the corporation in the matter, and thereupon the Commissioner shall forthwith in accordance with such decision either proceed to acquire such land or shall give written notice to the owner that the proposal to acquire has been withdrawn.

---

[1] Sub-section (*3*) was inserted by Bom. 34 of 1954, s. 11 (*2*).

[2] These words were substituted for the words "The City" by Bom. 7 of 1950, s. 6 (*1*).

[3] These words were substituted for the words "land proposed to be acquired" by Bom. 34 of 1954, s. 12 (*1*).

[4] This was substituted for sub-section (*2*), *ibid.*, s. 12 (*2*).

(*3*) If the corporation decide to acquire the land the Commissioner shall give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894. I of 1894.

(*4*) If the corporation withdraw from the proposal to acquire any land under sub-section (*2*) such land shall not be included in any statement of land proposed to be acquired, made in accordance with any notification drawn up under section 354G until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

[1][(*5*) Notwithstanding anything contained in this section if the Corporation withdraw from the proposal to acquire any land under sub-section (*2*) such land shall be deemed to have been included in any statement of land in respect of which it is proposed to levy a betterment charge made in accordance with any notification drawn up under section 354-G:

Provided that the provisions of sub-sections (*2*) and (*3*) of section 354-G shall apply in respect of such land with the modification that the period of thirty days referred to in the said sub-section (*2*) will be counted from the date on which notice was given to the owner that the proposal to acquire has been withdrawn.]

Right of owner to demand acquisition or withdrawal by the corporation after the lapse of two years from the date of notification.

354 I. (*1*) The owner of any land included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 354G may at any time before the publication of a declaration under section 354M and after the expiry of one year from the date of such notification by written notice to the Commissioner setting out the particulars of such land call upon the Commissioner to acquire such land on behalf of the corporation.

(*2*) On receipt of such notice the Commissioner shall forthwith report the matter to the Improvements Committee and the said Committee shall resolve whether in their opinion it is desirable to acquire the land set out in the notice and shall communicate their resolution within two months to the corporation which shall within two months after the receipt thereof communicate to the Committee and Commissioner the decision of the corporation in the matter and thereupon the Commissioner shall in accordance with such decision either decide to acquire such land or shall give notice to the owner that he has withdrawn the proposal to acquire.

(*3*) If the corporation decide to acquire the land they shall instruct the Commissioner to give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894. I of 1894.

(*4*) If the corporation withdraw from the proposal to acquire any land under sub-section (*2*) such land shall not be included in any statement of land proposed to be acquired made in accordance with any notification drawn up under section 354G until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

---

[1] Sub-section (*5*) was inserted, Bom. 34 of 1954, s. 13.

[1][(*5*) Notwithstanding anything contained in this section if the Corporation withdraw from the proposal to acquire any land under sub-section (*2*) such land shall be deemed to have been included in any statement of land in respect of which it is proposed to levy a betterment charge, made in accordance with any notification drawn up under section 354-G :

Provided that the provisions of sub-sections (*2*) and (*3*) of section 354-G shall apply in respect of such land with the modification that the period of thirty-days referred to in the said sub-section (*2*) will be counted from the date on which notice was given to the owner that the proposal to acquire has been withdrawn.]

The Improvements Committee after publication and service of notices to forward the scheme to the corporation for approval.

354J. (*1*) Upon compliance with the foregoing provisions with respect to the publication of notices of the scheme the Commissioner shall submit to the Improvements Committee any [2][objection on representation] received under section 354G together with any suggestion he may wish to make in respect of the modification of the scheme.

(*2*) The Improvements Committee shall after consideration of any such [3][objection or representation] or suggestion and after inserting in the scheme such modifications as they think fit, submit the scheme together with any representation, answer or suggestion to the corporation for their approval.

Corporation to consider the improvement scheme and to approve or disapprove.

354K. The corporation shall on receipt of a scheme from the Improvements Committee proceed to take such scheme into consideration together with any [4][objection, representation] or suggestion received or made under section 354G or 354J and shall, after having approved the scheme with or without modification or declined to approve the scheme, pass a resolution to that effect.

Commissioner to apply to [6][State] Government for sanction to the scheme.

354L. (*1*) As soon as the corporation have approved the scheme the Commissioner shall apply to [5][the [6][State] Government] on behalf of the corporation for sanction to the scheme.

(*2*) If the corporation do not approve the scheme they shall pass a resolution to that effect. The Commissioner shall thereupon forthwith draw up a notification stating the fact that the corporation have resolved not to proceed with the making of the said improvement scheme and shall publish the said notification in the manner prescribed in section 354C. Thereupon the notifications relating to the scheme published under section 354C and 354G shall be deemed cancelled.

(*3*) The application to [5][the [6][State] Government] for sanction under sub-section (*1*) shall be accompanied by—

(*a*) a copy of the resolution passed by the Improvements Committee under section 354D ;

(*b*) a copy of a resolution passed by the corporation under section 354C ;

(*c*) a description with full particulars of the scheme including the reasons for any modifications inserted therein ;

(*d*) complete plans and estimates of the cost of executing the scheme ;

(*e*) a statement specifying the land [7][which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge ;]

---

[1] Sub-section (*5*) was added by Bom. 34 of 1954, s. 14.

[2] These words were substituted for the words " representation or answer ", *ibid.*, s. 15 (*1*).

[3] These words were substituted for the words " representation, answer ", *ibid.*, s. 15 (*2*).

[4] These words were substituted for the words " representation, answer ", *ibid.*, s. 16.

[5] The words " the Provincial Government " were sbustituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[6] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[7] These words were substituted for the words "proposed to ba acquired" by Bom. 34 of 1954, s. 17 (*1*).

(*f*) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (*2*) of section 354G [1][objected, with the reasons (if any) stated by such persons for objection, in respect of the acquisition of their land or of the levy of a betterment charge;]

(*g*) a schedule showing the rateable value, as entered in the Commissioner's Assessment-book, at the date of the publication of a notification relating to the land under section 354G, of all land specified in the statement under clause (*e*) and of any other land wholly or partially situated within 80 feet from either side of any street to be formed or altered in executing the scheme.

On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration the Commissioner to be authorised to execute the scheme.

354M. (*1*) (*a*) On receipt of the sanction of [2][the [3][State] Government], the Commissioner shall forward to [2][the [3][State] Government] a declaration for notification under the signature of a Secretary to [2][the [3][State] Government] stating the fact of such sanction and that the land proposed to be acquired by the corporation for the purposes of the scheme is required for a public purpose.

(*b*) The declaration shall be published in the [4][*Official Gazette*] and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

(*c*) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Commissioner shall upon the publication of the said declaration, proceed to execute the scheme.

(*2*) (*a*) If at any time, it appears to the Commissioner, the Improvements Committee or the corporation, as the case may be, that an improvement can be made in any part of the scheme, the corporation may after the scheme for the purpose of making such improvement, and thereupon the Commissioner shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(*b*) If the estimated net cost of executing the scheme as altered exceeds by ten per cent. the estimated net cost of executing the scheme as sanctioned, the Commissioner shall not, without the previous sanction of the corporation and of [2][the [3][State] Government], proceed to execute the scheme as altered.

(*c*) If the scheme as altered involves the acquisition, otherwise than by agreement of any land other than that specified in the schedule accompanying the scheme under sub-section (*3*) of section 354L the provisions of section 354G and 354L and of sub-section (*1*) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

If the corporation fail to acquire the land owner may call upon committee to acquire it or to withdraw from the proposal.

354N. If, within three years from the declaration aforesaid, the corporation fail to acquire the land or any part of the land proposed to be acquired for the purposes of any scheme notified after the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, the owner of any land included in the declaration may, by written notice setting out the particulars of such land, call upon the corporation to acquire such land or to withdraw from the proposal to acquire it. Thereafter the procedure prescribed in sub-sections (*2*) to (*4*) of section 354I shall be followed.

Bom. XIII of 1933.

---

[1] These words were substituted for the original, by Bom. 34 of 1954., s. 17 (*2*).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the Adaptation of Laws Orders, 1950.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

Police Accommodation Schemes.

The corporation to have power to make a police accommodation scheme.

354O. (*1*) When a representation is made by [1][the [2][State] Government] to the corporation that within any part of [3][Greater Bombay] accommodation is required for housing any part of the Police of [3][Greater Bombay], the corporation shall take such representation into their consideration, and, if satisfied of the sufficiency of their resources and that it is otherwise expedient, shall pass a resolution to the effect that a scheme for providing such accommodation ought to be made, and shall direct the Commissioner to forthwith proceed to make a police accommodation scheme.

(*2*) The police accommodation scheme may provide for constructing dwellings, police stations and accessory buildings for any or all classes of such Police, and for acquiring, raising and levelling any land required for the execution of the scheme.

Procedure on completion of a scheme.

354P. Upon completion of a police accommodation scheme, the provisions of sections 354G to 354M shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

Vesting of land in corporation.

354Q. (*1*) When such scheme is sanctioned by [1][the [2][State] Government], in the case of land specified in Schedule W [1][the [2][State] Government] shall resume the land, and the said land shall thereupon vest in the corporation.

(*2*) The Commissioner shall then proceed to execute the police accommodation scheme.

(*3*) Any building constructed under this section shall with the site be held by [1][the [2][State] Government] for police purposes for a term of sixty years from the date of the completion of the building, and [1][the [2][State] Government] shall, during the said period, pay yearly to the corporation by way of rent a sum equal to the total of—

(*a*) the annual interest payable by the corporation on all moneys, which they have spent on the scheme, and

(*b*) sinking fund charges so calculated that at the end of the said period the aggregate in the sinking fund shall amount to the total sum spent on the scheme, such total sum shall include—

(*i*) all moneys spent on interest and sinking fund charges up to the date of the commencement of the said period;

(*ii*) if and so far as the land included in the scheme is not part of the land specified in Schedule W the cost of such land;

(*iii*) preliminary expenses and an allowance for management and supervision up to the date of the commencement of the said period.

(*4*) The cost of such land for the purposes of this section shall be deemed to be—

(*a*) if and so far as the land has been acquired for the scheme, the actual cost of its acquisition, and

(*b*) in all other cases the market value of the land at the date of the declaration of the scheme.

---

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] These words were substituted for the words "the city" Bom. 7 of 1950, s. 6 (*1*).

(*5*) [1][The [2][State] Government] shall maintain the building held by them under sub-section (*3*) in a state of proper repairs.

(*6*) On the expiration of the period of sixty years the building and the land forming the site thereof shall vest absolutely in [3][Government].

(*7*) This section shall apply to all police accommodation schemes sanctioned, heretofore by [1][the [2][State] Government] in accordance with the provisions of the [4]City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, as if such schemes had been sanctioned under the provisions of this Act.

Bom. IV of 1898
Bom. XVI of 1925.

[5][*Clearance areas.*

Power to declare an area to be a clearance area.

354R. (*1*) If it shall appear to the Commissioner in respect of any area in any part of Greater Bombay—

(*a*) that the residential buildings in that area are, by reason of disrepair or sanitary defects unfit for human habitation or are, by reason of their bad arrangement or the narrowness or bad arrangement of the streets dangerous or injurious to the health of the inhabitants of the area and that the other buildings, if any in the area are for a like reason dangerous or injurious to the health of the said inhabitants ; and

(*b*) that the conditions in the area can be effectually remedied by the demolition of all the buildings in the area without making an improvement scheme ;

the Commissioner may cause that area to be defined on a plan in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health, and submit a draft clearance scheme for the approval of the Corporation. On the submission by the Commissioner of draft clearance scheme, the Corporation shall take such scheme into consideration and approve the same with or without such alteration as they think fit. The Corporation shall then pass a resolution declaring the area so defined and approved by them to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the subsequent provisions of this Act. The area shall hereinafter be referred to as the clearance area and the scheme as the clearance scheme.

(*2*) Before any area is declared to be a clearance area, it shall be the duty of Corporation to satisfy themselves as to the sufficiency of their resources and to as certain the number of persons who are likely to be dishoused in such area and thereafter to take such measures as are practicable whether by the arrangement of their programme or otherwise so as to ensure that as little hardship as possible is inflicted on those dishoused.

(*3*) The Commissioner on behalf of the Corporation shall forthwith transmit to the State Government a copy of the resolution passed by them under this section.

(*4*) As soon as may be after the Corporation have declared any area to be a clearance area, the Commissioner shall, in accordance with the appropriate provisions hereafter contained in this Act, proceed to secure the clearance of the area in one or other of the following ways, or partly in one of those ways, and partly in the other of them, that is to say—

(*a*) by ordering the demolition of the buildings in the area ; or

(*b*) by acquiring on behalf of the Corporation land comprised in the area and undertaking or otherwise securing, the demolition of the buildings thereon.

---

[1] The word "The Provincial Government" was substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] This word was substituted for the words " His Majesty ", *ibid.*

[4] The City of Bombay Improvement Act, 1898, was repealed by the City of Bombay Improvement Trust Transfer Act, 1925, which has been repealed by Bom. 13 of 1933.

[5] These headings sections were substituted for sections 354R and 354S by Bom. 34 of 1954, s. 18.

354RA. (*1*) Where in respect of any clearance area the Commissioner determines to order any buildings in the clearance area to be demolished, he shall, with the approval of the Corporation make and submit to the State Government for confirmation by them an order (in this Act referred to as "clearance order") ordering the demolition of each of those buildings.

Clearance orders.

(*2*) A clearance order shall describe by reference to a plan the area to which it applies, and shall fix by reference to the date on which it becomes operative the period, not being less than twenty-eight days from that date, within which the Commissioner requires the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

(*3*) There shall be excluded from the clearance order any houses or other buildings properly included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement on the streets, they are dangerous or injurious to the health of the inhabitants of the area :

Provided that this sub-section shall not apply to a building constructed or adapted as, or for the purposes of, a dwelling or partly for those purposes and partly for other purposes, if any part (not being a part used for other purposes) is by reason of disrepair or sanitary defects unfit for human habitation.

(*4*) Before submitting the order to the State Government, the Commissioner shall—

(*a*) publish simultaneously in the *Official Gazette* and in three or more newspapers circulating within Greater Bombay, a notice stating the fact of such a clearance order having been made and describing the area comprised therein and naming a place where a copy of the order and of the plan referred to therein may be seen at all reasonable hours ; and

(*b*) serve on every person whose name appears in the Commissioner's assessment book as primarily liable for payment of property tax leviable under this Act, on any building included in the area to which the clearance order relates and, so far as it is reasonably practicable to ascertain such persons, on every mortgagee thereof, a notice stating the effect of the clearance order and that it is about to be submitted to the State Government for confirmation, and specifying the time within and the manner in which objections thereto can be made to the Commissioner.

(*5*) Upon compliance with the foregoing provisions with respect to the publication and service of notices of the clearance order, the Commissioner shall submit to the Improvements Committee any objections received under sub-section (*4*) and any suggestions he may wish to make in that respect.

(*6*) The Improvements Committee may, after consideration of any such objections and suggestions, make such modifications in respect of the order as they think fit, and the Commissioner shall thereafter submit the order as approved, either with or without modifications by the Improvements Committee first to the Corporation and then to the State Government for confirmation.

(*7*) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a clearance order.

(*8*) When a clearance order has become operative, the owner or owners of any building to which the order applies shall demolish that building before the expiration of six weeks from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Commissioner may deem reasonable; and if the building is not demolished before the expiration of that period the Commissioner shall take measures to demolish the building and sell materials thereof

(*9*) Any expenses incurred by the Commissioner under the foregoing sub-section, after giving credit for the amount realised by sale of the materials, shall be payable by the owner or owners of the building, and any surplus in the hands of the Commissioner, after payment of such expenses, shall be paid by the Commissioner to the owner of the building, or if there is more than one owner, shall be paid as those owners may agree. In default of agreement between such owners, the Commissioner shall deposit the surplus amount in the Small Causes Court and the Chief Judge of the said Court shall decide in what proportion such amount should be paid to such owners. The decision of the Chief Judge shall be final.

(*10*) When a clearance order has become operative, no land to which the order applies shall be used for building purposes, or otherwise developed, except subject to such restrictions and conditions, as may be imposed by the Commissioner and approved by the Corporation generally or specially.

(*11*) In the provisions of this Act relating to buildings included in an area to which a clearance order applies references to a building shall include references to a hut, tent or other temporary or movable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years next before action is taken under those provisions, and the reference to development in sub-section (*10*) shall include a reference to the erection or placing on land of a hut, tent or other temporary or movable form of shelter.

Acquisition of land surrounded by or adjoining a clearance area.

354RB. Where, as respects any area declared by the Corporation to be a clearance area, the Commissioner determines to acquire any land comprised in the area, he may acquire also any land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and any adjoining land the acquisition of which is reasonably necessary for the satisfactory development or use of the cleared area.

Provisions with respect to property belonging to the corporation within surrounded by or adjoining a clearance area.

354RC. Subject to the provisions of this section, the Commissioner may include in a clearance area any land belonging to the Corporation which he might have included in such area if it had not belonged to them, and where any land of the Corporation is included in a clearance area or, being land surrounded by or adjoining a clearance area, might have been acquired by the Commissioner under the last foregoing section had it not previously belonged to the Corporation, the provisions of this Act, shall apply in relation to that land as if it has been acquired by the Commissioner as being land comprised in the clearance area or, as the case may be, as being land surrounded by or adjoining a clearance area.

Acquisition of land in a clearance area.

354RD. *(1)* Where the Commissioner has determined to acquire land comprised in or surrounded by, or adjoining a clearance area, he may acquire that land by agreement upon obtaining the requisite sanction under section 90 or he may, with the sanction of the Improvements Committee, be authorised to acquire that land by a compulsory acquisition order made and submitted to the State Government and confirmed by them in accordance with the provisions of Schedule HH to this act.

(2) An order authorising the compulsory acquisition of land comprised in a clearance area shall be submitted by the Commissioner, with the approval of the Corporation, to the State Government within six months, and an order authorising the compulsory acquisition of land surrounded by or adjoining a clearance area shall be submitted by the Commissioner with the approval of the Corporation to the State Government within twelve months after the date of the resolution of the Corporation declaring the area to be a clearance area or within such longer period as the State Government may, in the circumstances of the particular case, allow.

(3) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(4) Nothing in this section shall authorise the compulsory acquisition of any land or building vested in the Central Government or in the Trustees of the Port of Bombay without the previous sanction of the Central Government, or any land or building vested in the State Government or belonging to any corporation authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking without the previous sanction of the State Government.

Treatment of a clearance area.

354RE. The Commissioner having acquired any land comprised in, or surrounded by or adjoining a clearance area shall, as soon as may be, cause every building thereon to be vacated if necessary in the manner provided by section 488A, and shall deal with that land in one or other of the following ways, or partly in one of these ways and partly in the other of them, that is to say—

(a) he shall demolish every building thereon before the expiration of six weeks from the date on which it is vacated, or before the expiration of such longer period as in the circumstances he deems reasonable, and thereafter may, with the sanction of the requisite authority under section 92, sell or lease the land subject to such restrictions and conditions, if any, as he thinks fit or may, subject to the sanction of the Corporation, appropriate the land for any purpose for which the Corporation are authorised to acquire land; or

(b) he shall, as soon as may be, with the sanction of the requisite authority under section 92, sell or lease the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and other conditions, if any, as he thinks fit:

Provided that, in lieu of selling any land other than land abutting on a public street, the Commissioner may, where the owner of other land (being land which the Corporation has power to acquire) is willing to take such land in exchange for that other land, with the sanction of the Improvements Committee, exchange it for that other land either with or without paying or receiving money for equality of exchange, and in relation to any such exchange the like provisions shall have effect as respects the land to be given in exchange by the Corporation as have effect by virtue of the foregoing provisions of this section as respects land sold thereunder. Any land acquired by the Commissioner by such exchange if it is situated in the clearance area shall be subject to the same restrictions as are applicable to other lands in such area.

Arrangements where acquisition of land in a clearance area found to be unnecessary.

354RF. Where the Commissioner has submitted to the State Government an order for the compulsory acquisition of land in a clearance area, and the State Government, on an application for an authorisation under this section being made to them by the owner or owners of the land and the Commissioner is satisfied that the owner or owners of the land, with the concurrence of any mortgagee thereof, agree to the demolition of the buildings thereon and that the Commissioner can secure the proper clearance of the area without acquiring the land, the State Government may—

(*a*) in a case where the order has not been confirmed authorise the Commissioner to submit forthwith and without any previous publication or service, a clearance order with respect to the buildings, and upon his so doing, may modify the compulsory acquisition order by excluding the land therefrom and confirm the clearance order; or

(*b*) in a case where the compulsory acquisition order has been confirmed but the land has not become vested in the Corporation, authorise the Commissioner to discontinue proceedings for the acquisition of the land on their being satisfied that such agreements have been or will be entered into by all necessary parties as may be requisite for securing that the buildings shall be demolished in like manner, and the land become subject to the like restrictions and conditions, as if the Commissioner had dealt with the land in accordance with the provisions of the last foregoing section.

Power to acquire cleared land which owners have failed to re-develop.

354RG. (*1*) Where land has been cleared of buildings in accordance with a clearance order, the Corporation may, at any time after the expiration of eighteen months from the date on which the order became operative, by resolution determine to acquire any part of that land which at the date of the passing of the resolution has not been, or is not in process of being, used for building purposes or otherwise developed by the owner thereof in accordance with plans approved by the Commissioner and any restrictions or conditions imposed under sub-section (*10*) of section 354RA.

(*2*) Where the Corporation have determined to acquire land under this section the Commissioner may acquire that land by agreement upon obtaining the requisite sanction under section 90, or he may, with the sanction of the Improvements Committee, be authorised to acquire that land by a compulsory acquisition order made and submitted to the State Government and confirmed by them in accordance with the provisions of Schedule HH to this Act.

(*3*) An order authorising the compulsory acquisition of land for the purposes of this section shall be submitted by the Commissioner to the State Government within three months after the date of the passing of the resolution to acquire the land.

(*4*) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(*5*) The Commissioner shall, with the approval of the Improvements Committee, deal with any land acquired under this section by sale, lease, or appropriation, in accordance with the provisions of section 354RE.

354RH. (*1*) Where any premises in respect of which a clearance order has become operative form the subject matter of a lease, either the lessor or the lessee may apply to the Chief Judge of the Small Causes Court for an order under this section.

Power of Court to determine lease where premises demolished.

(*2*) Upon any such application as aforesaid, the Chief Judge, after giving to any sub-lessee an opportunity of being heard, may, if he thinks fit, make an order for the determination of the lease, or for the variation thereof; and in either case, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation, damages, or otherwise) as he may think just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.

(*3*) In this section, the expression 'lease' includes an under-lease and any tenancy or agreement for a lease, under-lease, or tenancy, and the expression 'lessor,' 'lessee' and 'sub-lessee' shall be construed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

Re-development areas.

354RI. (*1*) If it shall appear to the Commissioner in respect of any area in any part of Greater Bombay, that the following conditions exist, that is to say—

Power to declare an area to be a re-development area.

(*a*) that the area contains fifty or more dwellings for the poorer classes;

(*b*) that at least one-third of the poorer class dwellings in the area are overcrowded, or unfit for human habitation and not capable at a reasonable expense of being rendered so fit, or so arranged as to be congested;

(*c*) that it is expedient in connection with the provision of housing accommodation for the poorer classes that the area should be re-developed as a whole;

the Commissioner shall cause that area to be defined on a plan and shall submit a draft re-development scheme for the approval of the Corporation. On the submission of such a draft re-development scheme, the Corporation shall take into consideration such scheme and approve the same with or without alteration as they think fit. The Corporation shall then pass a resolution declaring the area so defined and approved by them to be a 're-development area'.

(*2*) As soon as may be after the Corporation have passed a resolution under the foregoing sub-section, the Commissioner on behalf of the Corporation shall transmit to the State Government a copy of the resolution and of the plan, and shall publish simulteneously in the *Official Gazette* and in three or more newspapers circulating within Greater Bombay a notice stating that the resolution has been passed and naming a place where a copy of the resolution and of the plan may be inspected at all reasonable hours.

(*3*) Before any area is declared to be a re-development area, it shall be the duty of the Corporation to satisfy themselves as to the sufficiency of their resources and to ascertain the number of persons who are likely to be dishoused in such area and thereafter to take such measures as are practicable whether in the arrangement of their programme or otherwise so as to ensure that as little hardship as possible is inflicted on those dishoused.

Re-development plan.

534RJ. (*1*) Within six months after the Corporation have passed a resolution under the last foregoing section or within such extended period as the State Government may allow, the Commissioner shall, with the approval of the Corporation, prepare and submit to the State Government a re-development plan indicating the manner in which it is intended that the defined area should be laid out and the land therein used, whether for existing purposes or for purposes requiring the carrying out of re-development thereon, and in particular the land intended to be used for the provisions of housing accommodation for the poorer classes, for streets and for open spaces.

(*2*) In the preparation of the plan regard shall be had to the provisions of any improvement scheme or proposed improvement scheme under this Act or any scheme under the Bombay Town Planning Act, 1915, relating to the defined area or land in the neighbourhood thereof. Bom. I of 1915.

(*3*) Before submitting the plan to the State Government, the Commissioner shall—

(*a*) publish simultaneously in the *Official Gazette*, and in three or more newspapers circulating within Greater Bombay a notice stating that the plan has been prepared and is about to be submitted to the State Government, naming a place where the plan may be inspected at all reasonable hours, and specifying the time within which, and the manner in which, objections can be made ; and

(*b*) serve a notice to the like effect on every owner, lessee and occupier (except tenants for a month or any period less than a month) of land in the defined area, and on every railway administration operating a railway within the defined area and on any Corporation authorised by law to construct,work and carry on any tramway, gas, electricity, water or other public undertaking within the defined area.

(*4*) Upon compliance with the foregoing provisions with respect to the publication and service of notices regarding the proposed re-development plan, the Commissioner shall submit to the Improvements Committee any objections received under sub-section (*3*) and any suggestions he may wish to make in that respect.

(*5*) The Improvements Committee may after consideration of any such objections and suggestions make such modification in respect of the re-development plan as they think fit, and the Commissioner shall thereafter submit the plan as modified by the Improvements Committee first to the Corporation and then to the State Government for approval.

(*6*) On receipt of notice of the State Government's approval, the Commissioner shall publish simultaneously in the *Official Gazette* and in three or more newspapers circulating within Greater Bombay a notice stating that the re-development plan has been approved and naming a place where a copy thereof may be inspected at all reasonable hours, and shall serve, a like notice on every person on whom a notice was served by him of his intention to submit the re-development plan to the State Government for their approval.

(*7*) Where, after a re-development plan has been approved, the Corporation are satisfied that any land in the re-development area (that is to say the defined area or so much thereof as is comprised in the plan as approved) ought to be re-developed or used otherwise than as indicated in the plan, the Commissioner shall prepare and submit to the State Government on behalf of the Corporation a new plan in respect of that land and the provisions of this section in respect to publication, service of notices and approval by the State Government shall have effect in relation to the new plan, with the substitution of references to the new plan and to the land comprised therein, for references to the re-development plan and to the defined area.

(*8*) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of the State Government's approval of a re-development plan or of a new plan.

(*9*) In the subsequent provisions of this Act references to re-development or use in accordance with a re-development plan shall be construed as references to re-development or use in accordance with a re-development plan approved under this section or, in the case of land comprised in a new plan approved under this section, in accordance with the new plan.

Acquisition of land for purposes of re-development.

354RK. (*1*) When the State Government's approval of a re-development plan has become operative, the Commissioner may acquire by agreement, upon obtaining the requisite sanction under section 90, or he may, with the sanction of the Improvements Committee, be authorised by means of an order made and submitted to the State Government and confirmed by them in accordance with Schedule HH to this Act, to acquire compulsorily—

(*a*) land in the re-development area ; and

(*b*) any land outside that area which may be required for the purpose of providing accommodation for persons occupying premises within that area which have been or are intended to be acquired by agreement, or in respect of which compulsory acquisition orders have been submitted.

(*2*) Where the Commissioner submits to the State Government an order for the compulsory acquisition under this section of land which comprises or consists of a building which in his opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, the order as submitted shall be in a form prescribed for the purpose of indicating that the building is in that condition, and, if in the opinion of the State Government the building is properly so indicated, the order as confirmed may authorise the Commissioner to acquire the building as being in that condition.

(*3*) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(*4*) Nothing in this section shall authorise the compulsory acquisition of any land or building vested in the Central Government or in the Trustees of the Port of Bombay without the previous sanction of the Central Government, or any land or building vested in the State Government or belonging to any Corporation authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking without the previous sanction of the State Government.

(*5*) Land acquired by the Commissioner under this section for the provision of houses for the poorer classes shall be deemed to have been acquired by him under section 354RN.

(*6*) Land acquired by the Commissioner under this section otherwise than for the provision of houses for the poorer classes may, with the sanction of the requisite authority under section 92, be sold or leased to any person or if such land is not abutting on any public street may with like sanction be exchanged for other land which the Commissioner has power to acquire either with or without paying or receiving money for equality of exchange, subject, in the case of land in the re-development area, to conditions for securing that it shall be re-developed or used in accordance with the re-development plan.

(*7*) When the State Government's approval of a re-development plan has become operative and the plan comprises any land of the Corporation, the provisions of this Act shall apply in relation to that land as if it had been land in the re-development area acquired by the Commissioner under this section.

(*8*) When the State Government's approval of a re-development plan has become operative, no person shall construct or reconstruct any building or any portion of a building within the re-development area to which the plan relates except with the written permission of the Commissioner, who in granting such permission may impose such conditions approved by the Corporation generally or specially, as will, in his opinion, ensure that the construction or reconstruction shall only proceed in accordance with the re-development plan.

General provisions as to land purchased for clearance or re-development.

Extinguishment of ways, easements, etc., over land acquired under sections 354 RD, 354 RG and 354 RK.

354RL. (*1*) The Commissioner may, with the approval of the State Government, by order extinguish any public right of way over land acquired by agreement under section 354RD, 354RG or 354RK, provided that an order intended to be made by the Commissioner under this sub-section shall be published along with a notice inviting objections simultaneously in the *Official Gazette* and in three or more newspapers circulating within Greater Bombay and, if any objection thereto is made to the State Government before the expiration of six weeks from the publication thereof, the State Government shall not approve the order until they have considered all such objections.

(*2*) Where the Commissioner proposes to acquire under the sections referred to in sub-section (*1*) land over which a public right of way exists, it shall be lawful under this section for the Commissioner to make and the State Government to approve, in advance of the acquisition an order extinguishing that right as from the date on which the buildings on the land are vacated or at the expiration of such period after that date as may be specified in the order, or as the State Government in approving the order may direct.

(*3*) Upon the completion of the purchase of the land which the Commissioner on behalf of the Corporation has acquired by agreement under the sections referred to in sub-section (*1*), all private rights of way in, and all private rights under or over that land and all other rights or easements in or relating to that land shall be extinguished, and any person who suffers loss by the extinguishment of any such rights or easement shall be entitled to be paid by the Corporation compensation of such amount as might have been awarded to a person interested in such rights or easements as if the land to which the same relate has been acquired under a compulsory acquisition order, for which the notice required under clause 2(*a*) of Schedule HH to this Act had been published on the date of completion of the purchase:

Provided that this sub-section shall not apply to any rights vested in Government or in the Trustees of the Port of Bombay or to any rights belonging to any Corporation authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking, and shall have effect as respects other matters subject to any agreement which may be made between the Commissioner and the person in or to whom the right in question is vested or belongs.

Provision of housing accommodation for the poorer classes.

354RM. (*1*) If the Corporation, upon consideration of a representation from the Commissioner or other information in their possession, are satisfied that within any area in any part of Greater Bombay it is expedient to provide housing accommodation for the poorer classes and that such accommodation can be conveniently provided without making an improvement scheme, they shall cause that area to be defined on a plan and pass a resolution authorising the Commissioner and the Commissioner shall thereupon be empowered to provide such accommodation— **Mode of provision of accommodation.**

(*a*) by the erection of buildings or in any other manner, on any land belonging to the Corporation or any land acquired by the Corporation for the purpose;

(*b*) by the conversion of any buildings belonging to the Corporation into dwellings for the poorer classes;

(*c*) by altering, enlarging, repairing or improving any buildings which have, or an estate or interest in which has, been acquired by the Corporation.

(*2*) The Commissioner may alter, enlarge, repair or improve any house so erected, converted or acquired.

354RN. The Commissioner may for the purposes of the foregoing section on behalf of the Corporation— **Power of Commissioner to acquire land for housing accommodation.**

(*a*) acquire any land including any buildings thereon as a site for the erection of buildings for the poorer classes;

(*b*) acquire land for the purpose of—

(*i*) the lease or sale of land with a view to the erection thereon of buildings for the poorer classes by persons other than the Corporation;

(*ii*) lease or sale of any part of the land acquired with a view to the use thereof for purposes which in the opinion of the Commissioner are necessary or desirable for, or incidental to, the development of the land as a building estate, including, the provision, maintenance and improvement of buildings, gardens, factories workshops, places of worship, places of recreation and other works or buildings for, or for the convenience of, persons belonging to the poorer classes.

354RO. (*1*) Land for the purposes of the foregoing section may be acquired by the Commissioner by agreement upon obtaining the requisite sanction under section 90, or he may, with the sanction of the Improvements Committee, be authorised to acquire land for those purposes by means of a compulsory acquisition order made and submitted to the State Government and confirmed by them in accordance with the provisions of Schedule HH to this Act. **Mode of acquisition of land for housing accommodation.**

(*2*) The Commissioner may, with the consent of and subject to any conditions imposed by, the State Government acquire land for the purposes of the foregoing section, notwithstanding that the land is not immediately required for those purposes:

Provided that the Commissioner shall not be authorised to acquire any land compulsorily for those purposes unless it appears to the State Government that it is likely to be required for those purposes within ten years from the date on which they confirm the compulsory acquisition order.

(*3*) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(*4*) Nothing in this Act shall authorise the compulsory acquisition for the purposes of section 354RM of any land which is the property of Government or of the Trustees of the Port of Bombay or any local authority, or which is the property of any Corporation authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking and was acquired for the purposes of such Corporation, or which, at the date of the compulsory acquisition order forms part of any park, garden or recreation ground.

Power of dealing with land acquired or appropriated for provision of housing accommodation.

354RP. (*1*) Where the Commissioner has acquired or appropriated any land for the purposes of section 354RN then, without prejudice to any of his other powers under this Act, he may—

(*a*) lay out and construct public streets or roads and open spaces on the land;

(*b*) with the approval of the Improvements Committee, sell or lease the land or part thereof to any person for the purpose and under the condition that that person will erect and maintain thereon such number of buildings suitable for the poorer classes as may be fixed by the Commissioner in accordance with plans approved by him and, when necessary, will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which in the opinion of the Commissioner are necessary or desirable, for, or incidental to, the development of the land in accordance with plans approved by the Commissioner including the provision, maintenance and improvement of houses and gardens, places of recreation and other works or buildings for, or for the convenience of, persons belonging to poorer classes;

(*c*) with the approval of the Improvements Committee, sell the land or part thereof or if such land is not abutting on any public street, exchange the land or part thereof for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange;

(*d*) with the approval of the Improvements Committee, sell or lease any buildings on the land or erected by him on the land, subject to such covenants and conditions as he may think fit to impose either in regard to the maintenance of the buildings as dwellings for the poorer classes or otherwise in regard to the use of the buildings, and upon any such sale he may, if he thinks fit, agree to the price being paid by instalments together with interest on the outstanding balance at such rate as may from time to time be prescribed by the Improvements Committee in this behalf, or to a payment of part thereof being secured by a mortgage of the premises.

(*2*) Where the Commissioner acquires any building which can be made suitable as a building for the poorer classes or an estate or interest in such a building, he shall forthwith proceed to secure the alterations, enlargement, repair or improvement of the building, either by himself executing any necessary works, or by leasing or selling it to some person subject to conditions for securing that he will alter, enlarge, repair or improve it.

Supplementary powers in connection with provision of accommodation.

354RQ. The powers of the Commissioner to provide housing accommodation for the poorer classes, shall include a power to provide and maintain and if desired, jointly with any other person, in connection with any such housing accommodation, any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Commissioner will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

Land Acquisition.

I of 1894.

354S. The Land Acquisition Act, 1894 (in this and the next succeeding sections referred to as 'the Land Acquisition Act') shall to the extent set forth in Schedule CC, regulate and apply to the acquisition of land under this Chapter, otherwise than by agreement, and shall for that purpose be deemed to form part of this Chapter in the same manner as if enacted in the body hereof, subject to the provisions of this Chapter and to the provisions following, namely :—

Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.

(*1*) A reference to any section of the Land Acquisition Act shall be deemed to be a reference to such section, as modified by the provisions of this Chapter, and the expression 'land', as used in the Land Acquisition Act, shall be deemed to have the meaning assigned to it by clause (*r*) of section 3 of this Act, and clause (*b*) of section 3 of the Land Acquisition Act shall, for the purposes of this Chapter, be read as if the words and parenthesis (including Government) were inserted after the words "includes all persons" and the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land" were added after the words "affecting the land";

(*2*) in the construction of sub-section (*2*) of section 4 of the Land Acquisition Act and the provisions of this Chapter, the provisions of the said sub-section shall, for the purposes of this Act, be applicable immediately upon the passing of a resolution under sub-section (*1*) of section 354-C, 354-O, 354-R, 354-RI, or 354-RM, as the case may be, and the expression 'State Government' shall be deemed to include the Commissioner, and the words 'such locality' shall be deemed to mean the locally referred to in any such resolution;

(*3*) in the construction of the sections of the Land Acquisition Act deemed to form part of this Chapter and of the provisions of this Chapter, the publication of a notification under sub-section (*1*) of section 354-G or 354-P or the publication of notice of a compulsory acquisition order having been made under clause (2)(*a*) of Schedule HH to this Act shall be deemed to be the publication of a notification under sub-section (*1*) of section 4 of the Land Acquisition Act and the date of publication of the declaration under section 354-M or 354-P or of publication of notice of a compulsory acquisition order having been confirmed under clause (*1*) of Schedule GG shall be deemed to be the date of the publication of the declaration under section 6 of the Land Acquisition Act:

Provided that where land is acquired under section 354-H or sub-section (*3*) of section 354-I the date of publication of the notification under sub-section (*1*) of section 354-G shall be deemed to be the date of publication of a declaration under section 6 of the Land Acquisition Act:

Provided further that the provisions of sub-section (*2*) of section 23 of the Land Acquisition Act shall apply when land, other than land forming part of any improvement scheme approved under section 354-D, is acquired specifically under this Act for the purpose of a police accommodation scheme; and that in all other cases, in which land is notified for acquisition after the 1st October 1933 [being the date on which the City of Bombay Municipal (Amendment) Act, 1933, came into operation] additional compensation in consideration of the compulsory nature of the acquisition shall be awarded on the scale set out in Schedule DD;

Bom. XIII of 1933.

(*4*) the provisions of sub-section (*1*) of section 17 of the Land Acquisition Act to take possession of land shall apply to any land which the Commissioner is authorised under this Chapter as if it were waste or arable land needed urgently for a public purpose subject to the condition that the Corporation shall pay additional compensation in the form of interest not exceeding 6 per cent. on the compensation awarded from the date on which possession of land is taken by the Collector;

(*5*) in the construction of sub-section (*2*) of section 50 of the Land Acquisition Act and the provisions of this Chapter, the Commissioner shall be deemed to be "the local authority or Company concerned.":

(*6*) notwithstanding anything contained in sub-section(*1*) of section 49 of the Land Acquisition Act, it shall not be competent for the owner of any building, of which it is proposed to acquire only a part, to insist on the acquisition of his entire holding where the part proposed to be acquired can, in the opinion of the Collector, be severed from the remainder without material detriment thereto :

Provided that the Collector shall, if required by the owner of such building, refer the question whether such part can be severed from the remainder without material detriment for the determination of the Court and the Court shall decide upon such a reference, as if it were a reference to the Court under the said sub-section :

Provided also that, if, in the opinion of the Collector, or in the event of a reference of the Court, the part proposed to be acquired cannot be severed from the remainder without material detriment thereto, the State Government may, at the instance of the Commissioner, order the acquisition of the remainder, and in such case no fresh declaration shall be necessary, but the Collector shall without delay furnish a copy of the order of the State Government to the person or persons interested and shall thereafter take order for the acquisition of the remainder in like manner and with like powers in all respects as if the acquisition had originally been provided for in the improvement scheme or under a compulsory acquisition order, as the case may be ;

(*7*) section 54 of the Land Acquisition Act shall not apply to any case of acquisition of land to which section 354SA applies.

Determination by special Tribunal in certain cases.

354SA. (*1*) For the purposes of the acquisition of land under a compulsory acquisition order made and confirmed under the provisions of this Chapter, the functions of the Court under the Land Acquisition Act shall be performed by a Tribunal having the constitution and powers set forth in Schedule II and in the construction of the said Act and the provisions of this Chapter the Tribunal shall be deemed to be the Court, and the President of the Tribunal shall be deemed to be the Judge.

(*2*) The award of the Tribunal shall be deemed to be the award of the Court under the Land Acquisition Act, and shall be final :

Provided that in any case in which the President may grant a certificate that the case is a fit one for appeal, there shall be in an appeal to the High Court from the the award of any part of the award of the Tribunal.

(*3*) Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by the Bombay City Civil Court as if it were a decree of that Court.]

Special provisions as to compensation.

354T. In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply :—

(*1*) The Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration, or demolition of building ;

(*2*) when any addition to or improvement of, the land or building has been made after the date of the publication under sub-section (*1*) of section 354G or section 354P of a notification relating to the land or building, such addition, or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of compensation to be paid for the land or building ;

(*3*) in estimating the market value of the land or building at the date of the publication of a notification relating thereto under sub-section (*1*) of section 354G or section 354P the Court shall have due regard to the nature and the condition of the property and the probable duration of the building if any in its existing state and to the state of repair thereof and to the provisions of clauses (*4*), (*5*) and (*6*) of this section ;

(*4*) if in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding ;

Explanation.—For the purposes of this sub-section overcrowding shall be interpreted as in sub-sections (*4*) and (*5*) of section 379A ;

(*5*) if in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair the amount of compensation shall not exceed the estimated value of the property after the building has been put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition, or repair ;

(*6*) if in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation for the building shall not exceed the value of the materials, less the cost of demolition.

[1][(*7*) the Court may award compensation in respect of the severance of any part of a building proposed to be acquired in addition to the value of that part ;

(*8*) the compensation to be paid for land, including any buildings thereon, acquired as being land comprised in a clearance area shall be the value at the time the valuation is made of the land as a site cleared of buildings and available for development in accordance with the requirements of the building bye-laws for the time being in force :

Provided that this sub-section shall not have effect in the case of the site of a building properly included in a clearance area only on the ground that by reason of its bad arrangement in relation to other bnuildings or the narrowness or bad arrangement of the streets, it is dangerous or injurious to the health of the inhabitants of the area, unless it is a building constructed or adapted as, or for the purposes of, a dwelling, or partly for those purposes and partly for other purposes, and part thereof (not being a part used for other purposes) is by reason of disrepair or sanitary defects unfit for human habitation ;

---

[1] Clauses (7), (8) and (9) were inserted by Bom. 34 of 1954, s. 19.

(*9*) the compensation to be paid for a building which the Commissioner is authorised to acquire under sub-section (*2*) of section 354RK as being unfit for human habitation and not capable at reasonable expenses of being rendered so fit shall be assessed in like manner as if it had been land acquired as being comprised in a clearance area].

Collector to take possession after making an award and transfer land to corporation.

354U. When the Collector has made an award under section 11 of the Land Acquisition Act, as applied by this Act, he may take possession of the land which shall thereupon vest absolutely in [1][Government] free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Commissioner and the land shall thereupon vest in the corporation subject to the liability of the Commissioner to pay on behalf of the corporation any further costs which may be incurred on account of the acquisition of the land.

[2][*Levy of betterment charges.*

Condition for levying betterment charge in clearance and re-development areas.

354UA. (*1*) When by the clearance or re-development of an area as provided for under sections 354RE or 354RJ and 354RK respectively any land will, in the opinion of the Commissioner, be increased in value, the Commissioner may declare that a betterment charge shall be leviable in respect of the increase in value of the land resulting from such clearance or re-development.

(*2*) Before declaring that a betterment charge shall be leviable under sub-section (*1*), the Commissioner, shall serve on every person whose name appears in the Commissioner's assessment book as primarily liable for the payment of property taxes leviable under this Act on any land or building or part of a building affected by the proposed levy of betterment charge a notice of his intention to declare a betterment charge in respect of the land, and specifying the time within which, and the manner in which objections thereto, can be made to the Commissioner.

(*3*) The Commissioner shall submit to the Improvements Committee any objections received under sub-section (*2*) and any suggestions he may wish to make in that respect.

(*4*) The Improvements Committee shall, after consideration of any of such objections and suggestions, make such modifications in respect of the proposed betterment charge as they think fit, and the Commissioner shall thereafter declare that the betterment charge, either with or without modifications, shall be leviable.

Method of calculating charge.

354UB. Where an improvement scheme has provided for the levy of a betterment charge pursuant to sub-section (*3*) of section 354E, or where the Commissioner has declared a betterment charge to be leviable under sub-section (*4*) of section 354UA, such betterment charge shall be an amount equal to one-half of the increase in value of the land and shall be calculated, in the case of an improvement scheme upon the amount by which the value of the land on completion of the execution of the scheme exceeds the value of the land at the time of the publication of the notification made under section 354G and in the case of a clearance or re-development area, upon the amount by which the value of the land on completion of the clearance or re-development of the area exceeds the value of the land at the date of the resolution of the Corporation under section 354R or section 354RI declaring that area to be a clearance area or a re-development area, as the case may be.

---

[1] This word was substituted for the words " His Majesty " by the Adaptation of Laws Order, 1950.

[2] This heading and sections 354UA, 354UB and 354UC were inserted by Bom. 34 of 1954, s. 20.

Procedure for determining charge.

354UC. (*1*) When it appears to the Commissioner that an improvement or a clerance scheme or a re-development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Commissioner shall make a report to the Improvements Committee to that effect and the Improvements Committee after considering the report may by resolution declare the date on which for the purpose of determining the amount of the betterment charge the execution of the scheme shall be deemed to have been completed.

(*2*) The betterment charge leviable in each case shall be determined in accordance with section 354UB after following the procedure prescribed in sub-section (*3*) by such officer as the State Government may, by notification in the *Official Gazette,* appoint in this behalf at the request of the Corporation.

(*3*) On a date being fixed under sub-section (*1*) and an officer being appointed under sub-section (*2*), the Commissioner shall, in consultation with such officer, serve upon every person on whom a notice in respect of the property affected has been served under sub-section (*2*) of section 354G or under sub-section (*2*) of section 354UA, a notice, which shall state—

(*a*) the date declared by the Improvements Committee under sub-section (*1*) as aforesaid ;

(*b*) the time (being some time not less than twenty-one days after the service of the notice) and place at which the assessment of the betterment charge will be considered by such officer,

and every person upon whom such notice is served shall be entitled to be heard either in person or by a duly authorised agent when the matter is taken into consideration by such officer.

(*4*) When such officer has determined the amount of betterment charge leviable in respect of any property, the Commissioner shall serve upon the person concerned a notice stating the amount so determined.

(*5*) With effect from the date of service of the notice under sub-section (*4*) and subject to the decision upon any reference made to the Tribunal as hereinafter provided in sub-section (*6*), the amount of the betterment charges determined as aforesaid and interest thereon, if any, shall be a charge upon the property in respect of which it is levied and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 494.

(*6*) If any person or the Commissioner is dissatisfied with the betterment charge determined by the said officer, he may, at any time within two months from the date of service of notice under sub-section (*4*) refer the case for the determination of the Tribunal constituted under section 354SA, whose decision shall be final.

(*7*) If no reference is made to the Tribunal for the determination of the betterment charge within the period specified in sub-section (*6*), the determination of a betterment charge by the officer appointed by the State Government in this behalf shall be final.]

354V. [*Compensation to corporation on resumption of certain land.*] *Deleted by Bom. 34 of 1954, s. 21.*

[1][*Building Loans.*]

Power to grant loans for building purposes.

354W. (*1*) Subject to the provisions of this Act and of the bye-laws made thereunder the Commissioner may, with the previous sanction of the Improvements Committee, advance loans to persons desiring to erect buildings on land vested in the corporation in consequence of the transfer to them of the property of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925. Bom XVI of 1925

(*2*) Any person desiring to erect a building on any such land may make an application to the Commissioner in the form prescribed by the bye-laws for a loan to be advanced by way of a mortgage on the security of the building to be so erected; and the Commissioner may, after making such enquiry as he thinks necessary, and subject to the conditions mentioned in sub-sections (*1*) and (*3*) and the bye-laws made under section 461, advance such loans.

(*3*) Every such loan shall be subject to the following, among other conditions:—

(*1*) that the building in respect of which the loan is advanced shall be used wholly or mainly for residential purposes;

(*2*) that the aggregate amount of the loan shall not exceed twenty thousand rupees in any individual case;

(*3*) that the period within which the loan shall be repayable shall not exceed twenty years from the date of the first occupation of the building;

(*4*) that the amount of the loan shall not exceed 60 per cent. of the cost of the building (including out houses and other works, if any, connected therewith) irrespective of the period of repayment;

(*5*) that the person to whom the loan is advanced shall execute a mortgage of the building (including outhouses and other works, if any, connected therewith) together with the site on which they are erected in favour of the corporation containing such covenants and conditions as may be prescribed in the bye-laws.

Power of Commissioner to make advances for the purposes of increasing housing accommodation.

[2][**354WA.** (*1*) Subject to the provisions of this Act and of the bye-laws made thereunder, the Commissioner may, with the previous sanction of the Improvements Committee, advance loans to persons—

(*a*) constructing or altering or undertaking to construct or alter buildings intended for poorer classes:

(*b*) carrying out or undertaking to carry out repairs to such buildings:

Provided that the Commissioner considers that having regard to the cost of those repairs, or the financial position of the applicant, it is reasonable to give such assistance.

(*2*) Persons referred to in sub-section(*1*) desiring assistance by way of loan may make an application to the Commissioner in the form prescribed by the bye-laws for a loan to be advanced by way of a mortgage on the security of the building to be so constructed, altered or repaired, and the Commissioner may, after making such inquiry as he thinks necessary and subject to the conditions mentioned in sub-section (*3*) and the bye-laws made under section 461, advance such loans.

---

[1] This heading was inserted by Bom. 34 of 1954, s. 22.

[2] Sections 354WA, 354WB and 354WC were inserted *ibid*, s. 23.

(*3*) Every such loan shall be subject to the following among other conditions :—

(*a*) that the building in respect of which the loan is to be advanced will, when the construction, alteration or repair has been completed be in all respects fit for human habitation and shall be used wholly or mainly for residential purposes ;

(*b*) that the amount of the loan with interest thereon shall be secured by a mortgage of the building (including outhouses and other works, if any, connected therewith) together with the site on which they are erected in favour of the Corporation containing such covenants and conditions as may be prescribed in the bye-laws ;

(*c*) that the period within which the loan shall be repayable shall not exceed thirty years from the date on which the construction, alteration or repair has been completed ;

(*d*) that the amount of the loan shall not exceed sixty per cent. of the cost of building irrespective of the period of repayment, and in no case shall exceed Rs. 30,000 ;

(*e*) that, where the property intended to be mortgaged consists of a lease-hold interest, no loan shall be made unless the unexpired period of the lease is not less than forty years from the date of the granting of the lease.

Power of Commissioner to promote and assist housing associations.

354WB. (*1*) The Commissioner, for the purpose of section 354RM may, with the previous approval of the Improvements Committee, promote the formation or extension of or, subject to the provisions of this Act assist a housing association, as hereafter defined.

(*2*) Where a housing assoication is desirous of erecting dwellings for the poorer classes, the Commissioner may, for this purpose with the previous approval of the Improvements Committee acquire land with a view to selling or leasing it to the association and the provisions of section 354RO as to the acquisition of land by the Commissioner shall apply accordingly.

(*3*) The Commissioner may, for the assistance of a housing association, with the previous approval of the Improvements Committee, make grants or loans to the association on such terms and subject to such conditions as to rate of interest and repayment or otherwise and on such security as the Improvements Committee may think fit.

(*4*) For the purposes of this section, " housing association " means a society, including a Co-operative Housing Society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, improving or managing or facilitating or encouraging the construction or improvement of, houses for the poorer classes, being a society, body of trustees or company who do not trade for profit.

Provisions relating to lands comprised in Schedules W, Y and Z.

Compensation to Corporation on resumption of certain land.

354WC. Whenever any land specified in Schedule W is resumed by the State Government or any land specified in Schedule Y and vested in the Corporation is taken possession of by the State Government under the provisions of this Act, the market value of the land at the date of resumption as determined by the Collector, or in appeal by the High Court, shall be paid to the Corporation by the State Government.]

Payment to be made by [2][State] Government.

354X. [1][The [2][State] Government] shall pay to the corporation, from the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation and until the ninth day of November 1997, all rents and profits derived by the [1][the [2][State] Government] from the lands specified or referred to in Schedule Z.

Bom. XIII of 1933.

CHAPTER XIII.

LICENSING OF SURVEYORS AND PLUMBERS.

Grant of licences to surveyors and plumbers.

355. (*1*) The Commissioner may grant to any person he thinks fit a licence to act as a surveyor or as a plumber for the purposes of this Act. Each such licence shall be for a renewable period of one year.

(*2*) If any applicant for a licence to act as a surveyor is a licentiate of civil engineering or a person who has passed some test of professional qualification equivalent to that for a licentiate of civil engineering, his application shall not be refused by the Commissioner, except with the approval of the standing committee and upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such licence.

(*3*) If the Commissioner refuses any application for a licence under this section he shall, at the request of the applicant, furnish such applicant with his reasons, for such refusal in writing under his signature, without charge.

Regulations may be prescribed for guidance of licensed surveyors and plumbers.

356. The Commissioner may, with the approval of the standing committee from time to time prescribe regulations for the guidance of licensed surveyors and plumbers, respectively, and a copy of all regulations so prescribed at the time in force shall be written on the back of every licence granted to a surveyor or plumber respectively.

Fees and charges of licensed plumbers to be prescribed by the standing committee.

357. The standing committee may from time to time prescribe the fees or charges to be paid to licensed plumbers for any work done by them under or for any purpose of this Act; and no licensed plumber shall demand or receive more than the fee or charge so prescribed for any such work.

Licensed plumber to be bound to execute work properly.

358. No licensed plumber shall execute any work under this Act carelessly or negligently or make use of any bad material, appliance or fitting for the purpose of such work.

---

[1] The words "The Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

CHAPTER XIV.

MUNICIPAL FIRE-BRIGADE.

Maintenance of firemen and of necessary fire engines, etc.

359. (*1*) With a view to the discharge by the corporation of the duty of extinguishing fire and protecting life and property in case of fire, the Commissioner shall provide, in the schedule of municipal officers and servants from time to time prepared by him under section 79, for a force of firemen, with a proper number of officers over them to be called "the municipal fire-brigade", and shall furnish the said brigade with all such fire-engines, fire-escapes, horses, accountrements, tools, implements and means of inter-communication as may be necessary for the efficient discharge of their duties.

(*2*) A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.

Power to make regulations for fire-brigade.

360. The Commissioner shall from time to time make regulations for—

(*a*) the training discipline and good conduct of the men belonging to the fire-brigade,

(*b*) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire,

(*c*) the maintenance of the said brigade generally in a due state of efficiency.

Powers of chief officer of fire-brigade at a fire.

361. [1][(*1*)] On the occasion of a fire the chief or other officer in charge of the fire-brigade may, subject to such orders as the Commissioner may from time to time issue in this behalf, take the command of all municipal officers and servants present and of any other persons who voluntarily place their services at his disposal; and may—

(*a*) remove, or order any firemen or other officer or person under his command to remove any persons who interfere by their presence with the operations of the fire-brigade;

(*b*) take generally any measures that appear expedient for the protection of life and property, with power, by himself or by the persons under his command, to break into or through or take possession of, or pull down any premises for the purpose of putting an end to such fire, doing as little damage as possible;

(*c*) cause the water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which the fire has occurred and utilize the water of any well or tank available for the purpose of extinguishing such fire.

[1][(*2*) The power conferred by clause (*b*) of sub-section (*1*) shall include a power to enter on any vessel within the dock area of the port of Bombay.]

Police and municipal officers and servants to aid the fire-brigade.

362. It shall be the duty of all police officers and of all municipal officers and servants to aid the fire-brigade in the execution of their duties. They may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

---

[1] Section 361 was renumbered as sub-section (*1*) or that section and sub-section (*2*) was added to that section by Bom. 9 of 1945. s. 2, read with Bom. 8 of 1948, s. 2.

Damages done by fire-brigade to be deemed damage by fire.

363. Any damage occasioned by the fire-brigade in the due execution of their duties, or by any police or municipal officer or servant who aid the fire-brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Reports of fires to be submitted.

364. A report of every fire which occurs in the city shall be submitted by the chief or other officer in charge of the fire-brigade, not later than the day following the fire, to the Commissioner, who shall make such further inquiry, if any, as he may deem necessary and shall furnish a weekly return of all fires which occur in the city to the standing committee.

CHAPTER XV.

SANITARY PROVISIONS.

Scavenging and Cleansing.

Commissioner to provide for cleansing of streets and removal of refuse.

365. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing—

(*a*) the daily surface-cleansing of all streets in [1][Greater Bombay] and the removal of the sweeping therefrom;

(*b*) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under section 367 or 368 for the temporary deposit of any of the matters specified in the said sections.

Refuse, etc. to be the property of the corporation.

366. All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 369 shall be the property of the corporation.

Provision and appointment of receptacles, depots, and places for refuse, etc.

367. [2]* * The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit or final disposal of—

(*a*) dust, ashes, refuse and rubbish;

[3][(*b*) trade refuse;]

[4][(*c*) carcasses of dead animals, and excrementitious and polluted matter:

[2]* * Provided that—

[5](*i*) the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the corporation or in any place or manner which [6][the [7][State] Government] think fit to disallow;

[5](*ii*) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

---

[1] These words were substituted for the words " the City " by Bom. 7 of 1950, s. 6(*1*).

[2] The figures (1) and (2) were omitted by Bom. 1 of 1925, s. 20 (*1*).

[3] This new clause (*b*) was inserted, *ibid*, s. 20 (*2*).

[4] Old clause (*b*) was re-lettered (*c*), *ibid*, s. 20 (*3*).

[5] The old clauses (*c*) and (*d*) were re-lettered (*i*) and (*ii*), *ibid*, s. 20 (*4*).

[6] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[7] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

Duty of owners and occupiers to collect and deposit dust, etc.

[1][**368.** (*1*) It shall be incumbent on the owners and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice, from time to time prescribes in the public receptacle, depot or place provided or appointed under the last preceding section or the temporary deposit or final disposal thereof.

(*2*) Provided that the Commissioner may, if he thinks fit, by written notice require the occupier and owner or either of them of any premises, to cause all dust, ashes, refuse and rubbish, but not trade refuse to be collected daily, or otherwise periodically, from the said premises and deposited temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly.

(*3*) It shall be incumbent on the owners of all premises to provide receptacles of a size to be prescribed by the Commissioner for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises. Such receptacles shall at all times be kept in good repair and condition and shall be provided in such number and place and retained in such positions as the Commissioner may, from time to time, by written notice direct.

(*4*) It shall also be incumbent on the owners and occupiers or either of them of all premises when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-section (*1*) and (*2*) of this section.]

Provision may be made by Commissioner for collection, etc., of excrementitious and polluted matter.

369. When the Commissioner has given public notice, under clause (*a*) of section 142, of his intention to provide, in a certain portion of [2][Greater Bombay], for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situated in the said portion of [2][Greater Bombay].

Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

370. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the Commissioner has not given a public notice under clause(*a*) of section 142 and in which there is not a water-closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptacle or depot provided for this purpose under clause (*b*) of section 367, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time prescribes.

Halalkhor's duties in certain cases may not be discharged by private individuals without the Commissioner's permission.

371. In any portion of [2][Greater Bombay] in which the Commissioner has given a public notice under clause (*a*) of section 142, and in any premises, wherever situate in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person who is not employed by or on behalf of the Commissioner, to discharge any of the duties of halalkhors.

---

[1] Section 368 was substituted for the original section by Bom. 1 of 1925, s. 21.

[2] These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6 (*1*).

372. No person—

Prohibition of failure to remove refuse, etc., when bound to do so;

(*a*) who is bound, under section 368 or section 370, to cause the removal of dust, ashes, refuse, [1][rubbish and trade refuse] or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours or neglect to cause the same to be removed to the depot, receptacle or place provided or appointed for the purpose;

removal of refuse, etc., contrary to orders or without proper precautions;

(*b*) shall remove any dust, ashes, refuse, [2][rubbish or trade refuse] or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice at the time being in force under section 368, or use for the removal of any excrementitious or polluted matter any vehicle or vessel not having a covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom;

failure to clear away any refuse, etc., which drops during removal;

(*c*) shall, whilst engaged, in the removal of any dust, ashes, refuse [2][rubbish or trade refuse], or of any excrementitious or polluted matter, fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal, any portion thereof may fall and entirely to remove these sweepings;

leaving filth carts, etc., unnecessarily in the streets;

(*d*) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary;

throwing or placing refuse, etc. in any place not assigned for the purpose;

(*e*) shall throw or place any dust, ashes, refuse, [2][rubbish or trade refuse] or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 367 or 368;

allowing filthy matter to flow or soak from any premises and keeping anything thereupon so as to create a nuisance.

(*f*) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or, thereupon, anything so as to be a nuisance to any person, or negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Presumption as to offender under clause (*e*) of section 372.

373. If it shall in any case be shown that dust, ashes, refuse, [3][rubbish or trade refuse] or any excrementitious or polluted matter, has or have been thrown or placed on any street or place, in contravention of clause (*e*) of the last preceding section, from some building or land, it shall be presumed, until the contrary proved, that the said offence has been committed by the occupier of the said building or land.

Inspection and sanitary regulation of premises.

Power to inspect premises for sanitary purposes.

374. The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Cleansing and lime-washing of any building may be required.

375. If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be lime-washed or otherwise cleansed, either externally or internally, or both externally and internally.

---

[1] These words were substituted for the original words "and rubbish" by Bom. 1 of 1925, s. 22.

[2] These words were substituted for the original words "or rubbish", *ibid*.

[3] Those words were substituted for the original words "or rubbish", *ibid*, s. 23.

Removal of building materials from any premises may be required.

[1][375A. If it shall appear to the Commissioner that any tiles, stones, rafters, building materials or debris of building materials are stored or collected in or upon any premises without the written permission of the Commissioner in such quantity or bulk or in such way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Commissioner may by written notice require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same as shall in the opinion of the Commissioner be necessary or expedient to abate the nuisance or prevent a recurrence thereof.]

Abandoned or unoccupied premises.

376. If any premises, by reason of their being abandoned or unoccupied, become a resort of disorderly persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within [2][Greater Bombay] or to any person who is known or believed to claim to be the owner, if such person is resident within [2][Greater Bombay], and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall in the opinion of the Commissioner be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

Neglected premises.

377. (*1*) If it shall appear to the Commissioner that any premises are overgrown with rank and noisome vegetation or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same, or with the approval of the standing committee, may require him to take such other order with the same as the Commissioner thinks necessary.

Neglected private streets.

[3][(*1-A*) If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition, the Commissioner may by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the standing committee require them to take such other order with the same as the Commissioner may think necessary: provided that nothing herein contained shall affect the provision of section 365 :]

(2) Provided that in so far as the unwholesome or filthy condition of such premises [4][or such street] or such nuisance as abovementioned is caused by the discharge from or by any defect in the municipal drains or appliances connected therewith, it shall be incumbent on the Commissioner to cleanse such premises [4][or such street].

Nuisance arising from defective roof.

[5][**377A.** (*1*) If it shall appear to the Commissioner that any building or any part of a building is in such a state as to consitute a nuisance or to be likely to give rise to one, by reason of rain-water leaking from its roof or any part of its roof the Commissioner may give a notice in writing to the owner of such building requiring him to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the act to be specified in the notice.

---

[1] Section 375A was inserted by Bom. 1 of 1916, s. 8.

[2] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

[3] Sub-section (*1-A*) was added by Bom 1 of 1916, s. 9 (*a*).

[4] These words were inserted, *ibid*, s. 9 (*b*).

[5] This new section 377A was added by Bom. 1 of 1925, s. 24.

(*2*) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-section (*1*) give a further notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.

(*3*) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence.]

Buildings or rooms in buildings unfit for human habitation.

[1][**378.** (*1*) If for any reason it shall appear to the Commissioner that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, he shall give to the owner or occupier of such building notice in writing stating such reason and signifying, his intention to prohibit the further use of the building or room, as the case may be, as a dwelling and shall by such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice, and if no objection is raised by such owner or occupier within such period as aforsaid, or if any objection which is raised by such owner or occupier within such period appears to the Commissioner invalid or insufficient, he may, with the previous approval of the standing committee, by an order in writing, prohibit, the further use of such building or room as a dwelling:

Provided that, before such approval is given the owner or occupier aforesaid shall have the right of appearing before the standing committee in person or by agent and of showing cause why such approval should not be given.

(*2*) When any such prohibition as aforesaid has been made, the Commissioner shall cause notice of such prohibition to be affixed to, and the letters "U. H. H." to be painted on the door or some conspicuous part of such building or room, as the case may be, and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the Commissioner certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.]

[2][(*3*) Where the Commissioner has prohibited the further use of a building or room as a dwelling, the owner or owners of such building or room shall, so far as may be necessary to prevent nuisance, keep the building or the room or rooms clean and wholesome.]

Power to require repair of insanitary buildings.

[3][**378A.** (*1*) If it shall appear to the Commissioner that any building intended for, or used as, a dwelling is in any respect unfit for human habitation and does not conform with the regulations framed under section 378D, the Commissioner may, by written notice, require the owner of the building, within such reasonable time (not being less than twenty-one days) as may be specified in the notice, to execute such works or carry out such alterations as would render the building fit for human habitation.

(*2*) In addition to serving a notice under this section on the owner of the building the Commissioner may serve a copy of the notice on any other person having an interest in the building, whether as owner of the land, mortgagee, lessee, or otherwise.

---

[1] Section 378 was substituted by Bom. 6 of 1916, s. 6.

[2] Sub-section (*3*) was inserted by Bom. 34 of 1954, s. 24.

[3] Sections 378A to 378I were inserted, *ibid.*, s. 25.

Power to order demolition of insanitary buildings.

378B. (*1*) If it shall appear to the Commissioner that any building intended for, or used as, a dwelling is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, he shall serve upon the occupier of the building and the owner or owners thereof, and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the building and any offer with respect to the carrying out of works, or the future use of the building, which he may wish to submit, will be considered by the Standing Committee, and every person upon whom such a notice is served shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

(*2*) A person upon whom notice is served under the foregoing sub-section shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon him, serve upon the Commissioner notice in writing of his intention to make such an offer and shall, within such reasonable period as the Commissioner may allow, submit to him a list of the works which he offers to carry out.

(*3*) The Commissioner may, with the previous approval of the Standing Committee, accept from any owner or mortgagee, an undertaking in writing either that he will within a specified period carry out such works as will in the opinion of the Commissioner render the building fit for human habitation, or that it shall not be used for human habitation until the Commissioner, on being satisfied that it has been rendered fit for that purpose and with the previous approval of the Standing Committee, cancels the undertaking.

(*4*) If no such undertaking as is mentioned in the last foregoing sub-section is accepted by the Commissioner, or if, in a case where the Commissioner has accepted such an undertaking any work to which the undertaking relates is not carried out within the specified period, or the building, is at any time used in contravention of the terms of the undertaking, the Commissioner shall, with the previous approval of the Standing Committee, forthwith make a demolition order requiring that the building shall be vacant within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative and, that it shall be demolished within six weeks after the expiration of that period, or if the building is not vacated before the expiration of that period, within six weeks after the date on which it is vacated or, in either case within such longer period as in the circumstances the Commissioner deems it reasonable to specify, and shall serve a copy of the order upon every person upon whom the Commissioner would be required by sub-section (*1*) of this section to serve a notice issued by him under that sub-section.

(*5*) In determining for the purpose of this section whether a building can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the work necessary to render it so fit and the value which it is estimated that the building will have when the works are completed.

Procedure where demolition order made.

378C. (*1*) When a demolition order under section 378B has become operative, the owner or owners of the building to which it applies shall demolish the building within the time limited in that behalf by the order; and, if the building is not demolished within that time, the Commissioner shall cause the building to be vacated if necessary in the manner provided in section 488A, and shall take measures to demolish the building and sell the materials thereof.

(*2*) Any expenses incurred by the Commissioner under the foregoing sub-section, after giving credit for the amount realised by sale of the materials, shall be payable by the owner or owners of the building, and any surplus in the hands of the Commissioner after payment of such expenses shall be paid by the Commissioner to the owner of the building, or if there is more than one owner, shall be paid in accordance with the agreement between them. In default of agreement between such owners the Commissioner shall deposit the surplus amount in the Small Causes Court and the Chief Judge of the said Court shall decide in what proportion such amount should be paid to such owners. The decision of the Chief Judge shall be final.

Regulations to determine the fitness of a building.

378D. For the purposes of this Act, the Corporation may, from time to time, frame regulations not inconsistent with this Act for determining the standards of fitness of buildings for human habitation; provided that, where in pursuance of a notice under sub-section (*1*) of section 378-A any building has been rendered fit for human habitation by the execution of works and alterations to the satisfaction of the Commissioner, such building during a period of ten years from the date of completion of such works and alterations shall not be deemed to be unfit for human habitation by reason only of not conforming with any regulations made subsequently to such date affecting the structure of such building.

Power to order demolition of obstructive building.

378E. (*1*) The Commissioner may serve upon the owner or owners of a building which appears to him to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building to be demolished will be considered by the Standing Committee, and the owner or owners shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

(*2*) If, after so taking the matter into consideration, the Standing Committee resolve that the building is an obstructive building and that the building or any part thereof ought to be demolished, the Commissioner may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if he does so, shall serve a copy of the order upon the owner or owners of the building.

(*3*) In this section the expression "obstructive building" means a building which, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it—

(*a*) stops or impedes ventilation or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health, or

(*b*) prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings.

Effect of order for demolition of obstructive building.

378F. (*1*) If, before the expiration of the period within which a building in respect of which an order is made under section 378E is thereby required to be vacated, any owner or owners or other person or persons, whose estate or interest, or whose combined estates or interests in the building and the site thereof is or are such that the acquisition thereof by the Corporation would enable the Comissioner to carry out the demolition provided for by the order, make to the

Commissioner an offer for the sale of that interest, or of those interests, to the Corporation at a price equal to the compensation to be assessed as provided in sub-section (*6*) the Commissioner shall, upon obtaining the requisite sanction under section 90, accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

(*2*) Upon payment of the price mentioned in sub-section (*1*) the said building and the site thereof to the extent of the interests acquired shall vest in the Corporation.

(*3*) If no such offer as is mentioned in sub-section (*1*) is made before the expiration of the said period, the owner or owners of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building or such part thereof as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Commissioner deems reasonable , and if the demolition is not so carried out the Commisssioner shall cause the building or part thereof to be vacated, if necessary, in the manner provided in section 488-A and take measures to carry out the demolition and sell the materials rendered available thereby.

(*4*) When any obstructive building or any part thereof is demolished either by the owner or owners or by the Commissioner as provided for in sub-section (*3*), the Commissioner may at once take possession on behalf of the Corporation of the and occupied by, and appurtenant to, the said buildings or part thereof, and shall pay compensation as provided for in sub-section (*6*)

(*5*) The provisions of sub-section (*2*) of section 378-C shall apply in relation to any expenses incurred by the Commissioner under sub-section (*3*) and to any surplus remaining in the hands of the Commissioner as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a demolition order made under section 378-B.

(*6*) The compensation payable by the Commissioner for the building and the site thereof upon any sale effected under sub-section (*1*) and the compensation payable by the Commissioner under sub-section (*4*) shall be the market value of the land and building demolished, at the date of the demolition order made under sub-section (*2*) of section 378-E.

Compensation for acquiring obstructive building recoverable in certain cases as improvement expenses.

378G. (*1*) When a demolition order in respect of an obstructive building or any part thereof has been made under section 378-E, the Commissioner may specify and declare to the Standing Committee the properties of which the building or part of a building intended to be demolished is in his opinion obstructive, and shall serve a notice to that effect upon the owner or owners of each of such specified properties.

(*2*) For the purpose of enquiry under this section the Commissioner shall have the like powers as are conferred on him by section 155, and every person required to make or deliver a statement under this sub-section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

XLV of 1860.

(3) The Commissioner may declare the sum apportioned to each property under this section in respect of its increase in value to be improvement expenses incurred for the benefit of such property and the same shall thereupon be a charge upon such property and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 494.

Appeal against demolition orders.

378H. (1) Any person aggrieved by a demolition order made under section 378-B or section 378-E may, within twenty-one days after the date of the service of the order, appeal to the Chief Judge of the Small Causes Court (hereinafter in this section referred to as the Chief Judge), and no proceedings shall be taken by the Commissioner to enforce any order in relation to which an appeal is brought before the appeal is finally determined:

Provided that no appeal shall lie at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the expired term does not exceed three years.

(2) On such an appeal under this section the Chief Judge may make such order either confirming or quashing or varying the demolition order as he thinks fit, and he may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the Commissioner, and any undertaking so accepted by the Chief Judge shall have the like effect as if it had been given to and accepted by the Commissioner under section 378-B:

Provided that the Chief Judge shall not accept from an appellant upon whom such a notice as is mentioned in sub-section (1) of section 378-B was served an undertaking to carry out any works unless the appellant complied with the requirements of sub-section (2) of that section.

(3) An appeal shall lie to the High Court from a decision of the Chief Judge under this section when the rateable value, entered in the Commissioner's assessment book in accordance with the provisions of this Act, of the premises to which the demolition order appealed against wholly or partially relates, exceeds Rs. 3,000.

(4) The provisions of the Code of Civil Procedure, 1908, with respect to original decrees shall, so far as they can be made applicable, apply to appeals under sub-section (3), and orders passed therein by the High Court may, on application to the Chief Judge, be executed as if they were decrees passed by himself. V of 1908.

(5) A decision passed by the Chief Judge under this section shall, if an appeal does not lie therefrom under sub-section (3), be final.

(6) An appeal to the High Court under sub-section (3), shall for the purposes of the second division of the first Schedule to the Indian Limitation Act, 1908, be deemed to be an appeal under the Code of Civil Procedure, 1908, to the Court of a District Judge. IX of 1908. V of 1908.

(7) Any order against which an appeal might be brought under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in sub-section (1) and shall be final and conclusive

as to any matters which could have been raised on such an appeal, and any such order against which an appeal is brought shall, if and so far as it is confirmed by the Chief Judge, or the High Court, become operative as from the date of the final determination of the appeal.

(*8*) For the purposes of this section, the withdrawal of an appeal shall be deemed to be final determination thereof, having the like effect as a decision confirming the order appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date when the decision of the High Court is given, or in a case where no appeal is brought to the High Court, upon the expiration of the period within which such an appeal might have been brought, or in a case where no appeal lies to the High Court, on the date when the decision of the Chief Judge is given.

Prohibition of back-to -back buildings.

378I. Notwithstanding anything contained in this Act, it shall not be lawful to erect any back-to-back buildings intended to be used as dwellings for the poorer classes, and any such building shall, for the purposes of this Act, be deemed to be unfit for human habitation:

Provided that nothing in this section shall prevent the erection or use of a building containing several tenements in which tenements are placed back-to-back if in the opinion of the Commissioner the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement.]

Power of Commissioner to call for statement of accommodation.

[1][**379.** (*1*) The owner of a building shall, within a period of seven days after receipt of a written notice from the Commissioner, sign and give a certificate of the following particulars with respect to such building or any part thereof:

(*a*) the total number of rooms in the building,

(*b*) the length, breadth and height of each room, and

(*c*) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(*2*) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice, and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation:—

(*a*) the total number of persons dwelling in the building or any part of it,

(*b*) the manner of use of each room by day and by night, and

(*c*) the number, sex and age of the occupants of each room used for sleeping.]

---

[1] Section 379 was substituted for the original section by Bom. 5 of 1905, s. 55.

[1][379A. (*1*) Where it appears to the Commissioner, whether from any certificate furnished under section 379 or otherwise, that any building or any room or rooms therein used for human habitation is overcrowded, he may apply to a [2][Presidency Magistrate specially empowered by the State Government] to prevent such overcrowding; and the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner, or may pass such other order as he may deem just and proper.

Overcrowded dwellings.

(*2*) Where the owner of the said building has sub-let the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the said building.

(*3*) Every tenant, lodger, or other inmate of the said building shall vacate on being required by the owner so to do in pursuance of any order under sub-section (*1*).

(*4*) A room used exclusively as a dwelling shall be deemed to be over-crowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than twenty-five superficial feet and for each person under the age of ten years less than twelve and one-half superficial feet, or when the air space for each adult inmate is less than two hundred and fifty cubic feet, two children under ten years of age counting as one adult.

(*5*) A room not exclusively used as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than thirty superficial feet, and for each person under the age of ten years less than fifteen superficial feet, or when the air space for each adult inmate is less than three hundred cubic feet, two children under ten years of age counting as one adult.]

380. If the Commissioner is of opinion that any hut or shed, used either as a dwelling or as a stable or for any other purpose, is likely, by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage, or on account of the impracticability of scavenging or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety;

Insanitary huts and sheds.

He may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

[3][**381.** [4][(*1*) (*i*) For the purposes of this section, a nuisance shall include—

Filling in of pools, etc., which are a nuisance.

(*a*) any pool, ditch, tank, well, pond, quarry-hole, drain, water-course or any collection of water; or

---

[1] Section 379A was inserted by Bom. 5 of 1905, s. 55.

[2] These words were substituted for the words "Presidency Magistrate" by Bom. 8 of 1954, s. 2, Schedule—Part III.

[3] This section was substituted for the original section by Bom. 6 of 1913, s. 4.

[4] New sub-section (*1*) was substituted for the original sub-section (*1*) by Bom. 10 of 1928, s. 14 (*a*).

(*b*) any cistern or other receptacle for water or any article or thing capable of collecting rain water during the monsoon season whether within or outside a building ; or

(*c*) any land on which water accumulates or is likely to accumulate ; or

(*d*) any premises or any part of any premises occupied, or unoccupied, or under construction, reconstruction or demolition ; which in the opinion of the Commissioner is, or is likely to become a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause (*z*) of section 3.

(*ii*) The Commissioner may, by notice in writing, require the person by whose act, default or sufferance, a nuisance arises, exists or continues, or is likely to arise, and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner, lessee and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the Commissioner shall prescribe in such notice.

(*iii*) The Commissioner may also by any notice under clause (*ii*) or by another notice, served on such person, owner, lessee and occupier, or on any one or more of them, require them, or any one or more of them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose, and may serve any such further notice notwithstanding that the nuisance may have been abated or removed if he considers that it is likely to recur :

Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this Act for offences under this section.

(*iv*) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may in addition to serving any notice on any one or more of the persons mentioned in clause (*ii*) serve any such notice on any architect, contractor or other person employed to carry out such work of construction, reconstruction, or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractor, person and sub-contractor.]

(*2*) If [1][any person who, by a requisition made under sub-section (*1*), is required] to fill up, cover over or drain off a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 517 for failure to comply with such requisition except with the approval of the standing committee, but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 489 and, pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over, so as to prevent the ingress of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by such [1][person], or by the Commissioner out of the municipal fund or shall be shared, and, if so, in what proportions.]

---

[1] These words, figure and brackets were substituted for the original words by Bom. 10 of 1928, s. 14 (*b*) (*i*).

Permission for new well, etc.

[2][**381A.** (*1*) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner.

(*2*) If any such work is begun or completed without such permission the Commissioner may either—

(*a*) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner shall prescribe, or

(*b*) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (*1*).]

Dangerous quarrying may be stopped.

382. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may, with the approval of the standing committee, by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Removal and trimming of trees, shrubs and hedges.

383. (*1*) If, in the opinion of the Commissioner,—

(*a*) any hedge is at any time insufficiently cut or trimmed, or over-grown, with prickly-pear or other rank vegetation; or

(*b*) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or over-hangs or obstructs any street to the inconvenience or danger of passengers therein;

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing—

(*c*) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom; or

(*d*) to remove, cut, lop or trim such tree or shrub, as the case may be.

(*2*) In any case falling under clause (*b*), the Commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

Keeping and Destruction of Animals and Disposal of Carcasses.

Prohibitions as to keeping animals.

384. (*1*) No person shall—

(*a*) without the written permission of the Commissioner, or otherwise than in conformity with the terms of such permission, keep any swine in any part of [3][Greater Bombay];

---

[1] The word "person" was substituted for the original word "owner", by Bom. 10 of 1928, s.14 (*b*) (*ii*).
[2] Section 381A was inserted by Bom. 6 of 1913, s. 5.
[3] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

(*b*) keep any animal on his premises so as to be a nuisance or dangerous to any person;

(*c*) feed any animal, or suffer or permit any animal, to be fed or to feed, with or upon excrementitious matter, dung, stable refuse or other filthy matter.

(*2*) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct. No claim shall lie for compensation for any swine so destroyed.

Stabling animals or storing grain in dwelling house may be prohibited.

[1][**384A**. Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely,

(*a*) for keeping any horse, cow, buffalo, bullock, goat or donkey, or

(*b*) as a godown or place for the storage, in connection with wholesale trade of grain, seed or groceries,

the Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose; provided that the Commissioner may permit such use subject to such conditions as he may think fit to prescribe.]

Removal of carcasses of dead animals.

[2][**385**. (*1*) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within [3][Greater Bombay];

(*2*) The occupier of any premises in or upon which any animals shall die or in or upon which the carcass of any animal shall be found, and the person having the charge of any animal which dies in the street or in any open place, shall within three hours after the death of such animal or, if the death occurs at night, within three hours after sunrise, report the death of such animal at the municipal health department office of the division of the [4][Greater Bombay] in which the death occurred or in which the carcass is found.

(*3*) For every carcass so removed by municipal agency, a fee for the removal of such amount as shall be fixed by the Commissioner, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the said animal died.]

Regulation of public bathing, washing, etc.

Places for public bathing, etc., to be fixed by the Commissioner.

386. The Commissioner may from time to time set apart portions of the seashore or other suitable places vesting in the corporation for use by the public for bathing, for the washing of animals or for drying clothes, and may from time to time, by public notice, prohibit the use by the public of any portion of the seashore or place not vesting in the corporation for any of the said purposes.

Regulation of use of public bathing places, etc.

387. (*1*) The Commissioner may, by public notice, regulate the use by the public—

(*a*) of any portion of the seashore or other place vesting in the corporation set apart by him for any purpose under the last preceding section;

(*b*) of any portion of the seashore or other place not vesting in the corporation used, with his acquiescence, for any purpose mentioned in the last preceding section;

---

[1] Section 384A was inserted by Bom. I of 1916, s. 10.

[2] This section was substituted for the original section by Bom. 5 of 1920, s. 4.

[3] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

[4] These words were substituted for the word "city" by Bom. 9 of 1951, s. 3, Second Schedule.

(*c*) of any work and of the water in any work assigned and set apart under section 270 for any particular purpose.

(*2*) In the case of any portion of the seashore or of any place or work set apart, assigned or used as aforesaid for bathing, the Commissioner may, in such notice, prescribe the times and places of bathing for persons of each sex.

Prohibition of bathing, etc., contrary to order or regulation.

388. Except as permitted by any order or regulation made under section 270, 386 or 387, no person shall—

(*a*) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore or other place vesting in the corporation;

(*b*) wash or cause to be washed in or near any such place or work, any animal, clothes or other article;

(*c*) throw, put or cause to enter into the water in any such place or work, any animal or other thing;

(*d*) cause or suffer to drain into or upon any such place or work, or to be brought thereinto or thereupon, anything, or do anything, whereby the water shall be in any degree fouled or corrupted;

(*e*) dry clothes in or upon any such place.

And no person shall—

(*f*) in contravention of any prohibition made by the Commissioner under section 386, use any portion of the seashore or any place not vesting in the corporation for any purpose mentioned in the said section;

(*g*) contravene any regulation made by the Commissioner under section 387 for the use of any such portion of the seashore or place for any such purpose

Prohibition of corruption of water by steeping therein animal or other matter, etc.

389. No person shall—

(*a*) steep in any tank, reservoir, stream, well or ditch any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health;

(*b*) whilst suffering from any contagious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore.

Regulation of Factories, Trades, etc.

Factory, etc., not to be newly established without permission of the Commissioner.

390. (*1*) No person shall newly establish in any premises any factory, workshop or workplace in which it is intended that steam, water or other mechanical power shall be employed, without the previous written permission of the Commissioner, [1][nor shall any person work, or allow to be worked, any such factory, workshop or workplace without such permission].

(*2*) The Commissioner may refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop or workplace in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood.

[2][(*3*) If any written permission for the establishment of a factory, workshop or workplace granted under sub-section (*1*) be revoked by the Commissioner in the exercise of his powers under sub-section (*3*) of section 479, no person shall continue or resume the working or use of such factory, workshop or workplace until such written permission is renewed or a fresh written permission is granted by the Commissioner.]

---

[1] These words were inserted by Bom. I of 1916, s. 11 (*a*).

[2] Sub-section (*3*) was added, *ibid.*, s. 11 (*b*).

Furnaces used in trade or manufacture to consume their own smoke.

391. (*1*) No person shall—

(*a*) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable, consume its own smoke; or

(*b*) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(*2*) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

Sanitary regulation of factories, etc.

392. (*1*) Whenever it shall appear to the Commissioner that any factory, [1]* * workshop or workplace, or any building or place in which steam, water or other mechanical power is employed, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, dust or other impurity generated in the course of the work carried on therein, which is a nuisance,

or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein,

or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb;

the Commissioner may, by written notice, require the owner of such factory, [1]* * workshop, workplace or other building or place to take such order for putting and maintaining the same, in a cleanly state, or for ventilating the same, or for preventing the same from being overcrowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(*2*) Nothing in this section shall be deemed to affect any provision of the [2]Bombay Boiler Inspection Act, 1887, and nothing in this section which relates to the fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply on any factory to which the provisions of the [3]Indian Factories Act, 1881, are applicable.

Bom. III of 1887.

XV of 1881.

Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.

393. (*1*) No person shall, without the written permission of the Commissioner, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.

(*2*) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same.

(*3*) Provided that nothing in sub-section (*2*) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (*3*) of section 479.

Certain things not to be kept, and certain trades and operations not to be carried on, without a license.

[4][**394.** (*1*) Except under [5][and in conformity with the terms and conditions of] a license granted by the Commissioner no person shall—

(*a*) keep, in or upon any premises, for any purpose whatever,

(*i*) any article specified in Part I of Schedule M, or

(*ii*) any article specified in Part II of Schedule M, in excess of the quantity therein prescribed as the maximum quantity of such article which may at any one time be kept in or upon the same premises without a license;

---

[1] The word "bakehouse" was repealed by Bom. 2 of 1911, s. 14.

[2] Bom. 3 of 1887 was repealed by Bom. 2 of 1891 which was repealed by Bom. 5 of 1917, which was again repealed by Act 5 of 1923, Central Acts.

[3] Act 15 of 1881 is repealed by Act 12 of 1911 (the Indian Factories Act, 1911) which is again repealed by Act 25 of 1934, Central Acts.

[4] Section 394 was substituted for the original section by Bom. 2 of 1911, s. 15.

[5] These words were inserted by Bom. 6 of 1913, s. 6.

(*b*) keep, in or upon any premises, for sale or for other than domestic use, any article specified in Part III of Schedule M;

[1][(*bb*) keep, in or upon any building intended for or used as a dwelling or within fifteen feet of such building, cotton, in pressed bales or boras or loose, in quantity exceeding four hundred-weights ;]

(*c*) keep or allow to be kept, in or upon any premises, horses, cattle or other four-footed animals—

(*i*) for sale,

(*ii*) for letting out on hire,

(*iii*) for any purpose for which any charge is made or any remuneration is received, or

(*iv*) for sale of any produce thereof;

(*d*) carry on, or allow to be carried on, in or upon any premises—

(*i*) any of the trades or operations connected with trade specified in Part IV of Schedule M;

(*ii*) any trade or operation which in the opinion of the Commissioner is dangerous to life, health or property, or likely to create a nuisance either from its nature, or by reason of the manner in which, or the conditions under which, the same is, or is proposed to be carried on;

[2][(*e*) carry on within [3][Greater Bombay] or use any premises for the trade or operation of a farrier.]

(*2*) A person shall be deemed to have known that a trade or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of paragraph (*ii*) of clause (*d*) of sub-section (*1*), after written notice to that effect, signed by the Commissioner, has been served on such person or affixed to the premises to which it relates.

[4][(*3*) A person shall be deemed to carry on or to allow to be carried on a trade or operation within the meaning of paragraph (*ii*) of clause (*d*) of sub-section (*1*) if he does any act in furtherance of such trade or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicraftsman or otherwise.

[5](*4*) It shall be in the discretion of the Commissioner—

(*a*) to grant any licence referred to in sub-section (*1*) subject to such restrictions or conditions (if any) as he shall think fit to prescribe, or

(*b*) to withhold any such licence.

[5](*5*) Every person to whom a licence is granted by the Commissioner under sub-section (*3*) shall keep such licence in or upon the premises [6][if any] to which it relates.

[5](*6*) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk or jute or to any other large mill or factory which the Commissioner may from time to time with the approval of the standing committee specially exempt from the operation thereof.]

---

[1] This clause was inserted by Bom. 6 of 1916, s. 7.

[2] New clause (*e*) was inserted by Bom. 19 of 1930, s. 16 (*i*).

[3] These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6 (*1*).

[4] Sub-section (*3*) was added by Bom. 1 of 1925, s. 25 (*1*).

[5] Sub-sections (*3*), (*4*) and (*5*) were respectively re-numbered as sub-sections (*4*), (*5*) and (*6*), *ibid* s. 25 (*2*).

[6] The words " if any " were inserted by Bom. 19 of 1930, s. 16 (*ii*).

Prohibition of corruption of water by chemicals, etc.

395. (*1*) No person engaged in any trade or manufacture specified in Schedule M shall—

(*a*) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the corporation or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid;

(*b*) wilfully do any act connected with any such trade or manufacture as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well duct or other place for water is fouled or corrupted.

(*2*) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes or conduits;

and if, upon such examination, it appears that sub-section (*1*) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination, and of any measure which the Commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the said sub-section has been contravened;

but if it appear that there has been no contravention of the said sub-section, that said expenses and compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner.

Inspection of premises used for manufactures, etc.

396. (*1*) The Commissioner may at any time, by day or by night, without notice, enter into or upon any premises used for any of the purposes mentioned in section 394, and upon any premises in which a furnace is employed for the purpose of any trade or manufacture, and into any bakehouse, in order to satisfy himself as to whether any provision of this Act or any by-law made under this Act at the time in force or any condition of any licence granted under this Act is being contravened, and as to whether any nuisance is created upon such premises.

(*2*) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry: provided that force shall not be used for effecting an entry, unless when there is reason to believe that an offence is being committed against some provision of this Act or some by-law made under this Act.

Regulation of washing of clothes by washermen.

397. (*1*) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose;

and, when any such prohibition has been made, no person who is by calling, a washerman shall wash clothes at any place not appointed for this purpose by the Commissoner, except for such person himself or for the owner or occupier of such place.

Washing places to be provided by the Commissioner for washermen.

(*2*) The Commissioner shall provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the standing committee.

Maintenance and Regulation of Markets and Slaughter-houses.

What to be deemed municipal markets and slaughter-houses.

[1][398. (*1*)] All markets and slaughter-houses which belong to or are maintained by the corporation shall be called "municipal markets" or "municipal slaughter-houses". All other markets and slaughter-houses shall be deemed to be private.

[2][(*2*) The corporation may also establish markets for the purchase and sale of or trading in agricultural produce specified in Schedule JJ. The corporation may, with the previous sanction of the State Government, add to, amend or cancel, by notification in the *Official Gazette*, any of the items of agricultural produce specified in Schedule JJ.]

Provisions of new municipal markets and slaughter-houses.

399. (*1*) The Commissioner, when authorised by the corporation in this behalf, may construct, purchase or take on lease any building or land for the purpose of establishing a new municipal market or a new municipal slaughter-house or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets and slaughter-houses and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets or slaughter-houses, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein as he shall think fit.

(*2*) Municipal slaughter houses may be situate within or, with the sanction of [3][the [4][State] Government], without [5][Greater Bombay].

Municipal markets and slaughter-houses may be closed.

400. The Commissioner may, with the sanction of the corporation and of [3][the [4][State] Government], at any time, close any municipal market or slaughter-house; and the premises occupied for any market or slaughter-house so closed may be disposed of as the property of the corporation.

Prohibition of sale in a municipal market without licence of Commissioner.

401. (*1*) No person shall, without a licence from the Commissioner, sell or expose for sale any animal or article in any municipal market.

(*2*) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

Opening of new private markets.

402. (*1*) The corporation shall from time to time determine whether the establishment of new private markets shall be permitted in [5][Greater Bombay] or in any specified portion of the [5][Greater Bombay].

(*2*) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any other article of human food, except, with the sanction of the Commissioner, who shall be guided in giving such sanction by the decisions of the corporation at the time in force under sub-section (*1*). [6][The owner or occupier of a place in which a private market is established shall, for the purposes of this sub-section, be deemed to have established such market.]

(*3*) When the establishment of a new private market has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in the English,

---

[1] Section 398 was renumbered as sub-section (*1*) of that section, by Bom. 54 of 1955, s. 9.

[2] This sub-section was added *ibid.*

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6(*1*).

[6] These words were added by Bom. 5 of 1938, s. 39.

Marathi, Gujarati and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

[6][Private markets not to be kept or permitted to be kept open and no place to be used or permitted to be used as slaughter-house, without licence.]

403. (*1*) No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(*a*) keep open [1][or permit to be kept open] a private market;

(*b*) use [1][or permit to be used] any place in [2][Greater Bombay] as a slaughter-house or for the slaughtering of any animal intended for human food;

(*c*) use [1][or permit to be used] any place without [2][Greater Bombay] whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in [3][Greater Bombay].

(*2*) Provided that—

(*d*) the Commissioner shall not refuse, cancel or suspend any licence for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some regulation framed under section 406 or with some by-law made under this Act, at the time in force and shall not cancel or suspend any such licence without the approval of the standing committee;

[4][(*dd*) the Commissioner may with the previous approval of the standing committee cancel or suspend, any licence for failure of the owner of a private market to give in accordance with the conditions of his licence a written receipt for any stallage, rent, fee or other payment received by him or his agent from any person for the occupation or use of any stall, shop, standing, shed, pen or other place therein;]

(*e*) nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances;

[5][(*2A*) Any animal or flesh intended for human food found in the possession of any person contravening the provisions of clause (*b*) or (*c*) of sub-section (*1*) may be seized by the Commissioner or any municipal officer or servant or by any police officer and any such animal or flesh may be sold or otherwise disposed of as the Commissioner shall direct. The proceeds, if any, arising from such sale shall belong to the Corporation.

(*2B*) For the purposes of this section, the owner or occupier of any place which is habitually used for the slaughter of animals intended for human food shall be deemed to have used or permitted to be used such place for the slaughter of animals unless he proves that the place was so used without his knowledge;]

(*3*) when the Commissioner has refused, cancelled or suspended any licence to keep open a private market, he shall cause a notice of his having so done to be affixed in the English, Marathi, Gujarati and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

---

[1] These words were inserted by Bom. 5 of 1938, s. 40.

[2] These words were substituted for the words "the city" by Bom. 20 of 1952, s. 16(*1*).

[3] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6(*1*).

[4] Clause (*dd*) was inserted by Bom. 32 of 1935, s. 12.

[5] Sub-sections (*2A*) and (*2B*) were inserted by Bom. 64 of 1953, s. 16.

[6] This marginal note was substituted for the original by Bom. 20 of 1952, s. 16(*2*).

Prohibition of sale in unauthorized private markets.

404. No person who knows that any private market has been established without to sanction of the Commissioner, or is kept open after a licence for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or articles of food

Provision for requiring private market-building and slaughter-houses to be properly paved and drained.

405. The Commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughter-house, to cause—

(*a*) the whole or any portion of the floor of the market-building, place or slaughter-house to be paved with dressed stone or other suitable material ;

(*b*) such drains to be made in or from the market-building, market place or slaughter-house, of such material, size and description, at such level and with such outfall, as to the Commissioner may appear necessary.

Regulations to be framed for markets and slaughter houses.

406. The Commissioner may, with the approval of the standing committee, from time to time make regulations, not inconsistent with any provision of this Act or of any by-law made under this Act at the time in force—

(*a*) for preventing nuisances or obstruction in any market-building, market place or slaughter-house or in the approaches thereto ;

(*b*) fixing the days and the hours on and during which any market or slaughter-house may be held or kept open for use ;

(*c*) for keeping every market-building, market-place and slaughter-house in a cleanly and proper state, and for removing filth and refuse therefrom ;

(*d*) requiring that any market-building, market-place or slaughter-house be properly ventilated and be provided with a sufficient supply of water ;

(*e*) requiring that in market-buildings and market-places, passages be provided between the stalls of sufficient width for the convenient use of the public.

[1][(*f*) for regulating the purchase and sale of and conditions of trading in agricultural produce specified in Schedule JJ in any market building or market place.]

Levy of stallages, rents and fees in municipal markets and slaughter-houses.

407. The Commissioner may—

(*a*) charge for the occupation or use of any stall, shop, standing, shed or pen in a municipal market or slaughter-house, and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the standing committee, in this behalf, or

(*b*) with the approval of the standing committee, farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time ; or

(*c*) put up to public auction, or, with the approval of the standing committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen, in a municipal market or slaughter-house for such term and on such conditions as he shall think fit.

Removal of live cattle, sheep, goats or swine from any municipal slaughter-house, market or premises.

[2][**407A.** (*1*) No person shall, without the written permission of the Commissioner and without the payment of such fees as may be prescribed by him, remove any live cattle, sheep, goats or swine from any municipal slaughter-house or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house ;

---

[1] This clause was added by Bom. 54 of 1955, s. 10.

[2] New section 407A was inserted by Bom. 12 of 1936, s. 7.

Notwithstanding anything contained in the City of Bombay Municipal (Amendment) Act, 1936 (Bom. 12 of 1936), it shall be deemed always to have been lawful for the Commissioner prior to the commencement of the said Act, to require his written permission, for the removal of any cattle, sheep, goats or swine from any municipal slaughter house or from any municipal market or premises used or intended to be used for or in connection with such slaughter house and to fix and charge fees for the grant of such permission. (*Vide* Bom. 12 of 1936, s. 10).

Provided that such permission shall not be required for the removal of any animal which has not been sold within such slaughter house, market or premises and which has not been within such slaughter-house, market or premises for a period longer than that prescribed under regulations made by the Commissioner in this behalf, or which has in accordance with any by-law made under this Act, been rejected as unfit for slaughter at such slaughter-house, market or premises.

(*2*) Any fee paid for permission under sub-section (*1*) in respect of any animal removed to a Panjrapole shall, subject to the regulations made by the Commissioner in this behalf, be refunded on the production of a certificate from the Panjrapole authorities that such animal has been received in their charge.]

Regulations and table of stallage rents to be posted up in markets and slaughter-houses.

408. (*1*) A printed copy of the regulations and of the table of stallages, rents and fees, if any in force in any market or slaughter house under the [1][sections 406, 407 and 407A], in the English, Marathi, Gujarati and Urdu languages, shall be affixed in some conspicuous spot in the market-building, market-place or slaughter-house.

(*2*) No person shall, without authority, destroy, pull down, injure or deface any copy of any regulation or table so affixed.

Power to expel persons contravening by-laws or regulations.

409. The Commissioner may expel from any municipal market or slaughter-house any person, who or whose servant has been convicted of contravening any by-law made under this Act, or any regulation made under section 406, at the time in force in such market or slaughter-house and may prevent such person, by himself or his servants, further carrying on any trade or business in such market or slaughter-house or occupying any stall shop, standing, shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

Sale [2][or Supply] of Articles of food outside of markets.

Prohibition of sale [4][or supply] of animals, etc. except in a market.

410. (*1*) Except as hereinafter provided, no person shall, without a licence from the Commissioner, [3][sell or supply or expose for sale or supply] any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market:

(*2*) Provided that nothing in sub-section (*1*) shall apply to fresh fish sold from, or exposed for sale in, a vessel in which it has been brought direct to the seashore after being caught at sea.

Licensing of butchers, etc.

Butchers and persons who [7][sell or supply] the flesh of animals to be licensed.

411. No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(*a*) carry on within [5][Greater Bombay], or at any municipal slaughter-house the trade of a butcher;

(*b*) use any place in [5][Greater Bombay] [6][for the sale or supply] of the flesh of any animal intended for human food, or any place without [5][Greater Bombay] [6][for the sale or supply] of such flesh for consumption in [5][Greater Bombay];

---

[1] The words, figures and letter "sections 406, 407 and 407A" were substituted for the words "two last proceeding sections" by Bom. 12 of 1936, s. 8.

[2] These words were inserted by Bom. 64 of 1953, s. 17(*2*).

[3] These words were substituted for the words "sell or expose for sale," *ibid.*, s. 17(*1*).

[4] These words were inserted, *ibid.*, s. 17(*3*).

[5] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6(*1*).

[6] These words were substituted for the words "for the sale" by Bom. 64 of 1953, s. 18(*1*).

[7] These were substituted for the word "sell", *ibid.*, s. 18(*2*).

[1][412. (*1*) No person shall without the written permission of the Commissioner bring into [2][Greater Bombay] any cattle, sheep, goats or swine intended for human food, or the flesh of any such animal which has been slaughtered at any slaughter-house or place not maintained or licensed under this Act.

Prohibition of import of cattle, etc. into [3][Greater Bombay] without permission.

(*1-A*) Any Police Officer may arrest without warrant any person bringing into [2][Greater Bombay] any animal or flesh in contravention of sub-section (*1*).

(*2*) Any animal brought into [2][Greater Bombay] in contravention of this section may be seized by the Commissioner or by any municipal officer or servant and any flesh brought into [2][Greater Bombay] in contravention of this section may be seized by the Commissioner or by municipal officer or servant or by any Police Officer or in or upon Railway premises by any Railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Commissioner shall direct. The proceeds, if any, shall belong to the corporation.

(*3*) Nothing in this section shall be deemed to apply to cured or preserved meat.]

---

[1] This section was substituted for the original section by Bom. 2 of 1911, s. 16.
[2] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).
[3] These words were substituted for the words "the city" by Bom. 21 of 1954, second Schedule.

Licence required for dealing in milk, etc.

[1]412A. No person shall without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf—

(*a*) carry on within [2][Greater Bombay] the trade or business of a dealer in or importer or seller or hawker of milk, [3][butter [4][ghee] or other milk products];

(*b*) use any place in [2][Greater Bombay] for the sale of milk, [3][butter [ghee] or other milk products].

Inspection of places of sales, etc.

Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.

413. (*1*) If the Commissioner shall have reason to believe that any animal intended for human food is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under the provision of this Act, the Commissioner, may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any by-law made under this Act at the time in force is being contravened thereat.

(*2*) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry.

Commissioner to provide for inspection of articles exposed for sale for human food.

414. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged.

Unwholesome articles, etc., to be seized.

415. (*1*) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessle used for preparing, manufacturing or containing the same.

(*2*) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human food or for medicine, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be, he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided [5][and he may arrest and take to the nearest Police Station any person in charge of any such animal or article].

[6]* * * * *

Disposal of perishable articles seized under section 415.

416. If any meat, fish, vegetable or other article of a perishable nature be seized under the last preceding section and the same is, in the opinion of the Commissioner, diseased, unsound, unwholesome or unfit for human food or for medicine as the case may be, the Commissioner shall cause the same to be forthwith

---

[1] Section 412A was inserted by Bom. 6 of 1923, s. 7.

[2] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

[3] These words were inserted by Bom. 6 of 1916, s. 8.

[4] The word "ghee" was inserted by Bom. 32 of 1935, s. 13.

[5] These words were inserted by Bom. 6 of 1913, s. 8.

[6] The explanation added to s. 415 by Bom. 2 of 1899, s. 5 (*1*) (*a*) was repealed by Bom. 10 of 1928, s. 15.

destroyed in such manner as to prevent its being again exposed for sale or used for human food or for medicine, and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Disposal of animals and articles of a non-perishable nature seized under section 415.

417. (*1*) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 415 shall be forthwith taken before a Presidency Magistrate.

(*2*) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome or unfit for human food, or for medicine, as the case may be, or is not what it was represented to be or that such utensil or vessel is of such kind or in such state as aforesaid,

[1][he may, and if it is diseased, unsound, unwholesome or unfit for human food and unfit for medcine he shall cause] the same to be destroyed, at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human food, or for medicine, or for the preparation or manufacture of, or food containing, any such article as aforesaid.

417A. [*Penalty for representing any article to be what it is not.*] *Repealed by Bom. 10 of 1928, s. 15.*

Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.

[2][**417B.** In every case in which food, on being dealt with under section 417, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human food, the owner thereof or the person in whose possession it was found, not being merely bailee or carrier thereof, shall, if any such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to [3][five] hundred rupees]. XLV of 1860.

Application for summons to be refused if not applied for within reasonable time.

[2][**417C.** In all prosecutions under section [4]* * 417-B the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time for the alleged date of the offence of which such person is accused.]

[5]**418.** [*Provision of local standards of weights and measures.*] *Repealed by Bom. 15 of 1932.*

[5]**419.** [*Verification and stamping of weights and measures.*] *Repealed by Bom. 15 of 1932.*

[5]**420.** [*Weights and measures of which standards are provided are to be adopted : penalties.*] *Repealed by Bom. 15 of 1932.*

Prevention of spread of dangerous diseases.

Information to be given of existence of dangerous disease [7][or continuous pyrexia of unknown origin].

421. Every medical practitioner who treats or becomes cognizant of the existence of any dangerous disease [6][or any case of continuous pyrexia of unknown origin of more than four days' duration] in any private or public dwelling, other than a public hospital, shall give information of the same with the least practicable delay to the executive health officer. The said information shall be communicated in such form and with such details as the executive health officer, with the consent of the Commissioner, may from time to time require.

---

[1] These words were substituted for the original words by Bom. 2 of 1899, s. 6 (*1*) (*a*).

[2] Sections 417B and 417C were inserted, *ibid*, s. 6 (*1*) (*b*).

[3] This word was substituted for the word " one " by Bom. 76 of 1948, s. 26.

[4] The figures, letter and word " 417A or " were repealed by Bom. 5 of 1925, s. 20, Schedule B.

[5] Sections 418, 419 and 420 were repealed by Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932), Second Schedule, Part II, which came into effect in Bombay City on 1st August 1945, *vide* G. N., G. D., No. 9518, dated 30th April 1935.

[6] These words were inserted by Bom. 20 of 1952, s. 17 (*1*).

[7] These words were inserted, *ibid*, s. 17 (*2*).

422. The Commissioner may at any time, by day or by night, without notice, or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place.

Any place may at any time be inspected for purpose of preventing spread of dangerous disease.

423. (*1*) If it shall appear to the Commissioner that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking.

(*2*) No person shall remove or use for the purpose of drinking any water in respect of which any such public notice has been issued.

Prohibition of use for drinking of water likely to cause dangerous disease.

424. (*1*) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the executive health officer or by any duly qualified medical practitioner, direct or cause the removal of any person who is, in the opinion of such executive health officer or other medical practitioner, without proper lodging or accommodation or who is lodged in a building occupied by more than one family, and who is suffering from a dangerous disease, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(*2*) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (*1*) shall obey such order.

Commissioner may order removal of patients to hospital.

425. (*1*) If the Commissioner is of opinion that the cleansing or disinfecting of a building, or of a part of a building, or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease he may, by written notice, require the owner or occupier of such building to cleanse or disinfect such building or part thereof or article therein, and, if it shall appear to the Commissioner necessary, to vacate the said building for such time as shall be prescribed in the said notice :

(*2*) Provided that, if, in the opinion of the Commissioner, the owner or occupier is from poverty or other cause unable effectually to comply with such requisition, the Commissioner may cause the building or part of the building or article likely to retain infection to be cleansed or disinfected and defray the cost of so doing.

Disinfection of buildings, etc.

426. (*1*) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(*2*) Compensation may be paid by the Commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed ; but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

Destruction of huts and sheds, when necessary.

Second-hand clothing and bedding not to be brought into [3][Greater Bombay] without informing Commissioner and getting them inspected.

[1][**426A.** (*1*) Every person who brings or causes to be brought by sea into [2][Greater Bombay] any article of used or second-hand clothing or bedding which does not form part of a passenger's baggage shall, within twenty-four hours of the bringing of such article into [2][Greater Bombay] give to the Commissioner notice in writing, containing full particulars as to the nature and condition of the said article and the place from which it is brought, and take it for inspection to the place, prescribed under sub-section (*5*) for the inspection of such articles. If no such place has been prescribed, the notice shall also state the place where the said article may be inspected.

(*2*) The Commissioner shall examine the said article and, if he is of opinion that it is not free from infection, he may direct that it shall be adequately disinfected within such period, in such manner and by such agency, as he may determine.

(*3*) If the Commissioner is satisfied that the said article is free from infection or that it has been adequately disinfected, he shall give a certificate to that effect.

(*4*) No person shall deal with or remove or dispose of the said article otherwise than in accordance with a direction of the Commissioner or an officer of the Customs until a certificate under sub-section (*3*) has been given in respect thereof.

(*5*) The Commissioner may, in consultation with the Collector of Customs and the Trustees of the Port of Bombay, prescribe or appoint from time to time a place or places at which any article of the nature described in sub-section (*1*) may be inspected.

(*6*) The Commissioner may from time to time, with the approval of the standing committee, prescribe a fee to be paid for the inspection of any article of the nature described in sub-section (*1*) and for the giving of a certificate under sub-section (*3*) and, where any article is disinfected by municipal agency, for the disinfection thereof.

(*7*) Where a person contravening any provision of this section is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be liable to the punishment provided for the offence.

(*8*) Nothing contained in this section shall apply to any articles of used or second-hand clothing or bedding contained in a bale which is taken direct from the docks to a railway station in [2][Greater Bombay] for export to and disposal at a place outside and beyond the limits of [2][Greater Bombay].

Explanation.—For the purposes of this section, a passenger's baggage shall mean such goods as are determined to be his baggage in actual use under section 24 of the Sea Customs Act, 1878.] VIII of 1878.

Place for disinfection may be provided;

427. (*1*) The Commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the standing committee, in this behalf, or, in any case in which he thinks fit, free of charge.

also for washing infected articles.

(*2*) The Commissioner may, from time to time, by public notice, appoint a place at which clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed ; and no person shall wash any such article at any place not so appointed without having previously disinfected the same.

---

[1] This section was inserted by Bom. 76 of 1948, s. 27.

[2] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

[3] These words were substituted for the word "city" by Bom. 9 of 1951, s. 3, Second Schedule.

Infected articles may be destroyed.

(*3*) The Commissioner may direct the disinfection or destruction of bedding, clothing or other articles likely to retain infection.

(*4*) The Commissioner may, in his discretion, give compensation for any article destroyed under sub-section (*3*).

Person suffering from dangerous disease not to enter a public conveyance without notifying the same.

428. (*1*) No person who is suffering from a dangerous disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering.

(*2*) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

Provision of carriages for conveyance of patients.

429. The Commissioner with the sanction of the corporation, may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease; and when such conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance.

Provisions as to carriage of persons suffering from dangerous disease in public conveyances.

430. (*1*) No person who is suffering from a dangerous disease shall—

(*a*) without proper precautions against spreading such disease, cause or suffer himself to be carried in a public conveyance;

(*b*) cause or suffer himself to be carried in a public conveyance contrary to the provision of the last preceding section.

(*2*) No person shall go in company with, or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of sub-section (*1*).

(*3*) No owner or driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of the said sub-section.

Public conveyance which has carried a person suffering from dangerous disease to be disinfected.

431. The owner, driver or person in charge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately provide for the disinfection of the same.

Infected articles not to be transmitted, etc., without previous disinfection.

432. (*1*) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease.

(*2*) Nothing in this section shall be deemed to apply to a person who transmits with proper precautions, any such article for the purpose of having the same disinfected.

Infected building not to be let without being first disinfected.

433. (*1*) No person shall let a building or any part of a building, in which he knows or has reason to know that a person has been suffering from a dangerous disease, without first having such building or part thereof and every article therin likely to retain infection disinfected, to the satisfaction of the executive health officer or of some duly qualified medical practitioner, as testified by such officer's or medical practitioner's certificate.

(*2*) For the purpose of this section the keeper of a hotel or inn shall be deemed to let part of his building to any person accommodated in such hotel or inn.

Special sanitary measures.

Commissioner may take special measures on outbreak of any dangerous disease.

434. (*1*) In the event of [1][Greater Bombay] being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into [1][Greater Bombay] amongst cattle—including under this expression sheep and goats,—the Commissioner, if he thinks the ordinary provisions of this Act or of any other law at the time in force are insufficient for the purpose, may, with the sanction of [2][the [3][State] Government],—

(*a*) take such special measures, and

(*b*) by public notice prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(*2*) The Commissioner shall forthwith report to the corporation any measures taken and any regulations prescribed by him under sub-section (*1*)

Disposal of the dead.

Places for disposal of the dead to be registered.

435. Every owner or person having the control of a place used for burying, burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the Commissioner with this duty, and shall deposit in the municipal office at the time of registration a plan of the said place, showing the extent and boundaries thereof, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor.

Provision of new places for disposal of the dead.

436. If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any such place is closed under the provisions of section 438, the Commissioner shall, with the sanction of the corporation, provide other fit and convenient places for the said purpose, either within or without [1][Greater Bombay], and shall cause the same to be registered in the register kept under section 435, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same and bearing the signature of the municipal [4][city engineer].

New places for disposal of the dead not to be opened without permission of Commissioner.

437. No place, which has never previously been lawfully used as a place for the disposal of the dead and registered as such, shall be opened by any person for the said purpose without the written permission of the Commissioner, who, with the approval of the corporation, may grant or withhold such permission.

[3][State] Government may direct the closing of any place for the disposal of the dead.

438. (*1*) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion—

(*a*) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any church-yard or burial-ground adjacent thereto, or

---

[1] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "Provincial" by the adaptation of Laws Order, 1950.

[4] The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6.

(*b*) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health,

he may submit his said opinion, with the reasons therefor, to the corporation, who shall forward the same, with their opinion, for the consideration of the [1][[2][State] Government].

(*2*) Upon receipt of such opinions, the [1][[2][State] Government], after such further inquiry, if any, as [3][it] shall deem fit to cause to be made, may, by notification published in the [4][*Official Gazette*] and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

(*3*) On the expiration of two months from the date of any such order of the [1][[2][State] Government], the place to which the same relates shall be closed for the disposal of the dead.

(*4*) A copy of the said notification, with a translation thereof, in the Marathi, Gujarati and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

[2][State] Government may sanction the re-opening of places which have been closed for the disposal of the dead.

439. (*1*) If, after personal inspection, the Commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of the last preceding section or under any other law or authority, has by lapse of time become no longer injurious to health, and may without risk of danger be again used for the said purpose, he may submit his said opinion, with the reasons therefor, to the corporation, he shall forward the same, with their opinion, for the consideration of the [1][[2][State] Government].

(*2*) Upon receipt of such opinion, the [1][[2][State] Government] after such further inquiry, if any, as [3][it] shall deem fit to cause to be made, may by notification published as aforesaid direct that such place be reopened for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

Burials within places of workshop and exhumations not to be made without the permission of the Commissioner.

440. (*1*) No person shall, without the written permission of the Commissioner under sub-section (*2*),—

(*a*) make any vault or grave or internment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship;

(*b*) make any internment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 438;

(*c*) build, dig, or cause to be built or dug, any grave, or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 435;

(*d*) exhume any body except under the provisions of section 176 of the [5]Code of Criminal Procedure, 1882, or of any other law for the time being in force, from any place for the disposal of the dead. X of 1882.

(*2*) The Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special order as the [1][[2][State] Government] may from time to time make in this behalf.

(*3*) An offence against this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the [5]Code of Criminal Procedure, 1882. X of 1882.

---

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] The word "it" was substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" *ibid.*

[5] See now the Code of Criminal Procedure, 1898 (5 of 1898).

Acts prohibited in connection with the disposal of the dead.

441. No person shall—

(*a*) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(*b*) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice, from time to time, think fit to require;

(*c*) except, when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Commissioner in this behalf;

(*d*) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;

(*e*) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity;

(*f*) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise in such manner as that the surface of the coffin, or, when no coffin is used, of the corpse or part of a corpse, shall be at a less depth than six feet from the surface of the ground;

(*g*) build, or dig, or cause to be built or dug, any grave or vault in any burial-ground at a less distance than two feet from the margin of any other grave or vault;

(*h*) build or dig, or cause to be built or dug, a grave or vault in any burial-ground in any line not marked out for this purpose by or under the order of the Commissioner;

(*j*) without the written permission of the Commissioner, re-open, for the interment of a corpse or of any part of a corpse, a grave or vault already occupied;

(*k*) after bringing or causing to be brought to a burning-ground any corpse or part of a corpse, fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground;

(*l*) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes, or permit any cloth or other article used for the conveyance or burning of such corpse or part of a corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes.

CHAPTER XVI.

VITAL STATISTICS.

Registration of Births and Deaths.

Appointment of registrars.

442. For the purpose of registering births and deaths, the Commissioner shall divide [1][Greater Bombay] into such and so many districts and sub-districts as he shall from time to time think fit; and a municipal officer shall be register of births and deaths of each such ditrict.

Registrars to reside in their respective districts.

443. (*1*) Every registrar shall reside within the district of which he is registrar and shall cause his name, together with the words "Registrar of Births and Deaths for the district of   " to be affixed in some conspicuous place at or near the outer door of his place of abode.

(*2*) A list showing the name and place of abode of every registrar in [1][Greater Bombay] shall be kept at the municipal office and shall be open at all reasonable times to public inspection free of charge.

---

[1] These words were substituted for the words "the City" by Bom. 7 of 1950, s. 6 (*1*).

Register-books to be supplied.

444. The Commissioner shall provide and supply to the registrars a sufficient number of register-books of births and of register-books of deaths for the registration of the particulars specified in Schedules N and O, respectively; and the pages of each of the said books shall be numbered progressively from the beginning to the end thereof.

Registrars to inform themselves of all births and deaths.

445 (*1*) Each registrar shall inform himself carefully of every birth and death which shall happen in his district and of the particulars concerning the same require to be registered according to the forms in the said schedules, and shall, as soon after each such birth or death as conveniently may be, register the same in the book supplied for this purpose by the Commissioner, without making any charge or demanding or receiving any fee or reward for so doing other than his remuneration as a municipal officer.

(*2*) Other municipal officers, besides the registrars, may be appointed, with the duty of informing themselves of every birth or of every death or of every birth and every death in the district to which they are respectively appointed and of the particulars concerning the same required to be registered, and of submitting such information to the registrar to the said district or to such other person as the Commissioner directs.

Information of birth to be given within seven days.

446. (*1*) It shall be the duty of the father and mother of every child born in [1][Greater Bombay] and, in default of the father and mother, of the occupier of the premises in which to his knowledge the child is born, and of each person present at the birth and of the person having charge of the child, to give, to the best of his knowledge and belief to the registrar or other municipal officer appointed under section 445, within seven days after such birth information of the particulars required to be registered concerning such birth :

Saving for father of illegitimate child.

(*2*) Provided that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person, as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

Information respecting finding of new-born child to be given.

447. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar or other municipal officer aforesaid, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

Officers to be appointed to receive information of deaths at places for disposal of the dead.

448. (*1*) For every place for the disposal of the dead registered in the register kept under section 435 a municipal officer shall be appointed, whose duty it shall be to receive information of the particulars required to be registered concerning the death of every person whose corpse is disposed of at such place.

(*2*) If the Commissioner shall not think fit to require the municipal officer so appointed to be in constant attendance at any place for the disposal of the dead for which he is so appointed, there shall be affixed to a conspicuous part of the entrance to such place a notice specifying the name of the officer so appointed for the said place and the place where he may be found.

---

[1] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

Information of death to be given at the time when the corpse of the deceased is disposed of.

449. (*1*) It shall be the duty of the nearest relatives of any person dying in the city present at the death, or in attendance during the last illness of the deceased and, in default of such relatives, of each person present at the death, and of the occupier of the premises in which, to his knowledge, the death took place, and, in default of the persons hereinbefore in this section mentioned, of each inmate of such premises, and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the officer appointed under the last preceding section, information of the particulars required to be registered concerning such death.

(*2*) The said information shall be given at or about the time that the corpse of the deceased person is disposed of, and it shall be given in writing if the informant can write, and otherwise orally, and the informant shall make known to the officer aforesaid his name, designation and place of abode, and shall attest the correctness of the information which he gives, to the best of his knowledge and belief, by his signature or mark.

Medical practitioner who attended a deceased person to certify the cause of his death.

450. (*1*) In the case of a person who has been attended in his last illness by a duly qualified medical practitioner, that practitioner shall sign and forward to the Commissioner a certificate of the cause of such person's death, in the form of Schedule P, or in such other form as shall from time to time be prescribed by the Commissioner in this behalf, and the cause of death as stated in such certificate shall be entered in the register, together with the name of the certifying medical practitioner.

(*2*) The Commissioner shall provide printed forms of the said certificates, and any duly qualified medical practitioner resident in [1][Greater Bombay] shall be supplied, on application, with such forms, free of charge.

Preparation of register-books of deaths and of mortality returns, etc.

451. (*1*) The information concerning deaths received by every officer appointed under section 448 shall be entered by him in a register-sheet, which shall contain the particulars specified in Schedule O, and shall be forwarded, at such intervals as shall be prescribed by the Commissioner, through the registrar of the district, to the municipal office.

(*2*) From the said register-sheets and from the certificates furnished to him under section 450, the Commissioner shall cause the register-books of deaths to be prepared and shall have prepared and published such tabular returns and statements as shall appear to him to be useful for sanitary or other purposes.

Correction of errors in registers of births or deaths.

452. (*1*) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorized in that behalf by the Commissioner.

(*2*) An error of fact or substance in any such register may be corrected by any person authorised as aforesaid by entry in the margin, without any alteration of the original entry, upon production to the Commissioner, by the person requiring such error to be corrected, of a declaration on oath setting forth the nature of the error and the true facts of the case, made before a Magistrate by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made or, in default of such persons, by two credible persons having knowledge of the case, and certified by such Magistrate to have been made in his presence.

(*3*) Except as aforesaid no alteration shall be made in any such register.

---

[1] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

Registration of name of child or of alteration of name.

453. (*1*) When the birth of any child has been registered and the name, if any, by which it was registered, is altered or, if it was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar, such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate shall without any erasure of the original entry, forthwith enter in the register-book the name mentioned in the certificate as having been given to the child.

(*2*) The certificate shall be in the form of Schedule Q, or as near thereto as circumstances admit, and, in the case of a Christian, shall be signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptised or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(*3*) Every minister or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

Taking of a census.

Enumeration of inhabitants.

454. At such time and in such manner as shall be directed from time to time by the Commissioner, with the sanction of the corporation and of [1][the Central Government], an enumeration shall be made of the persons who at the time of making such enumeration shall be within [2][Greater Bombay]: Provided always that, one clear month previous to such enumeration being commenced, notice of the intention to make the same, with the date or dates upon or within which it is intended to be made, and all other necessary particulars, shall be given by advertisement in the [3][*Official Gazette*] and in the local newspapers.

Commissioner to superintend the enumeration.

455. The Commissioner shall superintend the taking of such enumeration, and shall appoint such enumerators or other subordinate officers and make such arrangements generally as may seem to him necessary for the purpose of such enumeration.

Delivery of blank schedules and returns.

456. Each enumerator or other subordinate officer appointed under the last preceding section shall, agreeably to his instructions leave at each building or place of residence within his district, four days at least before the time appointed for the collection of the completed returns or census, a blank schedule or return, of such form and containing such particulars as [1][the Central Government] may approve, to be duly filled up and signed by the owner, tenant or principal occupant of the said building or place of residence.

Obligation to fill up blank schedules and returns.

457. (*1*) Every person at whose building or place of residence any such blank schedule or return is left shall correctly fill up the same, and affix his signature thereto, and return it, when called upon so to do, to the enumerator or other subordinate officer aforesaid;

or, if such person is unable to write, he shall furnish to an enumerator when called upon so to do, the information required for correctly filling up such schedule or return.

---

[1] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

(2) Any person who fails to comply with any provision of sub-section (1) may be detained in custody until he complies therewith or the requisite information is otherwise obtained.

(3) It shall be the duty of an enumerator, if so required by any person who is unable to write, to fill up any such schedule or return as aforesaid from information supplied by such person.

Occupier to amend returns, if found defective.

458. If any, enumerator or other subordinate officer employed in the collection of such schedules or returns shall find any of the same defective or in any respect improperly filled in, he may return the same to the occupant of the building or residence to which the same relates, together with a written notice requiring that the same be duly filled in or amended within a period of forty-eight hours.

Military, naval and police officers and certain others, if required, to act as enumerators.

459. (1) Any military or naval officer, or any officer of the Bombay City Police, or any master or person in charge of a merchant vessel, or nacoda or tindal of a vessel or boat, or any person in charge of a lunatic asylum, hospital or prison or of any public or private charitable or scholastic institution, or any keeper of a hotel or lodging-house, shall, if required, act as an enumerator for the purpose of taking account of persons under his command or charge or abiding in any building in his possession, charge or control, on the night immediately preceding the day to be appointed for the making of such enumeration.

(2) Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Commissioner in that behalf.

Returns houseless persons.

460. The Commissioner shall obtain, by such means as shall appear to him best adapted for the purpose and as shall be sanctioned by [1][the Central Government], returns of the particulars required for the purpose of the census with respect to all houseless persons, and all persons who during the said night preceding the day to be appointed for the making of such enumeration were on out-door night duty, or for any other reasons were not abiding in any building of which account is to be taken by the enumerators.

[2]CHAPTER XVI-A.

THE BOMBAY ELECTRIC SUPPLY AND TRANSPORT UNDERTAKING.

The operation of the undertaking and the construction and maintenance of works.

Management of Undertaking by General Manager.

460A. (1) Subject to the superintendence of the Bombay Electric Supply and Transport Committee and of the corporation, the General Manager shall manage the Bombay Electric Supply and Transport Undertaking and perform all acts necessary for the economical and efficient maintenance, operation, administration and development of the undertaking.

(2) Without prejudice to the generality of the foregoing provision, the General Manager may, with the sanction of the Bombay Electric Supply and Transport Committee and subject to the restrictions or conditions imposed by this Act, either within or without the city—

(a) construct or acquire, transport undertakings, including tramways, trackless trams and mechanically propelled transport facilities for the conveyance of the

---

[1] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The Chapter containing sections 460A to 460PP was inserted by Bom. 48 of 1948, s. 40.

IV of 1939. public subject to the provisions of the Motor Vehicles Act, 1939, or of any other enactment for the time being in force and the conditions of any licence, permit or sanction in favour of the corporation granted thereunder;

(*b*) construct or acquire, subject to the provisions of the Indian Electricity Act, 1910, or of any other enactment for the time being in force and the conditions of any licence or sanction in favour of the corporation granted thereunder, undertakings for the generation or supply of electrical energy and for electric traction, and enter into any agreement with any person for the supply of electrical energy to or by the corporation; IX of 1910.

(*c*) construct buildings and works of every description necessary or desirable for the operation or development of the Bombay Electric Supply and Transport Undertaking;

(*d*) purchase or take on lease or hire or otherwise acquire any moveable or immovable property or rights;

(*e*) exercise any of the powers of a licensee under the Indian Electricity Act, 1910, or any other enactment for the time being in force relating to the generation or supply of electrical energy which the corporation is for the time being authorised to exercise and any other powers exercisable by the corporation under such enactment or under any licence thereunder granted in favour of the corporation; and IX of 1910.

(*f*) exercise any of the powers of a licensee holding a stage carriage permit under the Motor Vehicles Act, 1939, which the corporation is for the time being authorised to exercise and any other powers exercisable by the corporation under the said Act in relation to the provision of mechanically propelled transport facilities for the conveyance of the public. IV of 1939.

Power of access to works.

460B. (*1*) Without prejudice to any other powers exercisable by him, the General Manager may for the purpose of inspecting or repairing or executing any work upon or in connection with the Bombay Electric Supply and Transport Undertaking—

(*a*) enter upon and pass through any land within or without the city in whomsoever such land vests;

(*b*) convey into and through any such land all necessary materials, tools and implements.

(*2*) In the exercise of the powers conferred by sub-section (*1*) as little damage as the circumstances permit shall be done and compensation for any damage so done shall be paid by the General Manager.

Power of carrying, renewing and repairing works.

460C. (*1*) For the purpose of carrying out, renewing and repairing works in connection with the Bombay Electric Supply and Transport Undertaking (other than works to which the provisions of the Indian Electricity Act, 1910, apply) the General Manager may, either within or without the city, exercise the same powers as under the provisions of this Act the Commissioner may exercise for carrying, renewing and repairing drains within the city, subject to the same restrictions as are by this Act imposed on the exercise of such powers: IX of 1910.

Provided that in the construction of tramways the General Manager shall not, without the consent of the owner, lay rails over or upon land which is not vested in the corporation, other than land forming part of a street.

(*2*) When a work undertaken by the General Manager involves the opening or breaking up of any street, such work shall be commenced and carried out in consultation with the Commissioner or with such officer as the Commissioner may designate in this behalf.

Maintenance and repair of portion of street where tramway is laid.

460D. (*1*) The General Manager shall cause to be maintained and kept in good condition and repair so much of any street whereon any tramway of the Bombay Electric Supply and Transport Undertaking is laid as lies between the rails of the tramway and, where two tramways are laid in any street at a distance of not more than six feet from each other, the portion of the street between the tramways and in any case as much of the street as extends eighteen inches beyond the rails of and on each side of any such tramway.

(*2*) The expenses incurred for maintenance and repairs under sub-section (*1*) shall be defrayed from the Bombay Electric Supply and Transport Fund.

Conditions to be observed before new tramway is laid

460E. (*1*) No single line of tramway shall be converted into a double line and no new tramway shall be laid on any public street except with the permission of the corporation and no such permission shall have validity unless and until it is confirmed by the Provincial Government.

(*2*) The General Manager shall, before the determination of the form, manner, gradient and gauge of a new tramway or of the width of carriages intended for use on such new tramway, consult the Commissioner.

Reservation of power over streets of Bombay Gas Co.Ltd.

460F. Nothing in this Chapter shall affect the powers of the Bombay Gas Company, Ltd., under the provisions of the Gas Companies Act, 1863, to take up any of the streets traversed by the tramwav of the Bombay Electric Supply and Transport Undertaking for the purposes for which they may lawfully take up the same: Bom. V of 863.

Provided that—

(*i*) as little detriment or inconvenience to the under-taking shall be caused as the circumstances permit;

(*ii*) before any work whereby traffic on the tramway will be interrupted is commenced, previous notice of not less than eighteen hour shall be given to the General Manager, except in cases of urgency, specifying the time at which the work will be commenced; and

(*iii*) the Bombay Gas Company, Ltd., shall not be liable to pay any compensation for injurv done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers vested in them as aforesaid.

Restriction on building and other acts interfering with works of the undertaking.

460G. (*1*) No building, wall or other structure shall be newly erected, and no street or minor railway shall be constructed over, or in such a manner as to interfere with, any work constructed or maintained for the purposes of the Bombay Electric Supply and Transport Undertaking except with the written permission of the General Manager.

(*2*) The General Manager may, with the approval of the Bombay Electric Supply and Transport Committee, cause any building, wall or other structure erected, or any street or railway constructed, in contravention of sub-section (*1*) to be removed or otherwise dealt with as he deems fit, and the expenses incurred therefor shall be paid by the person responsible.

Fixing Fares and Charges.

Levy of fares and charges for transport services.

460H. (*1*) Fares and charges shall be leviable for the conveyance of passenger or for the carriage of goods by any means of transport provided by the Bombay Electric Supply and Transport Undertaking at such rates as may from time to time be fixed, subject to the provisions of any enactment for the time being in force and any licence granted to the corporation thereunder, by the Bombay Electric Supply and Transport Committee with the approval of the corporation.

(*2*) A printed list in English, Marathi, Hindustani and Gujarati of all the fares and charges levied for the time being under this section shall be exhibited in a conspicuous place inside each vehicle used by the Bombay Electric Supply and Transport Undertaking for the conveyance of the public.

(*3*) The fares and charges levied under this section shall be paid to such persons, at such places upon or near the prescribed route of the transport service, and in such manner and under such regulations, as the Bombay Electric Supply and Transport Committee shall, by notice to be annexed to the list of fares, appoint.

(*4*) If any person travelling or having travelled in any vehicle of the Bombay Electric Supply and Transport Undertaking avoids or attempts to avoid payment of his fare, or any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such vehicle beyond such distance and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or any person knowingly and wilfully refuses or neglects, on arriving at the point up to which he has paid his fare, to quit such vehicle, he shall be punished, for each such offence, with fine which may extend to ten rupees.

(*5*) It shall be lawful for every municipal servant appointed under the provisions of this Chapter and all persons called in by him for his assistance, to arrest and take to the nearest police station any person who shall be discovered either in or after committing or attempting to commit an offence under sub-section (*4*) and whose name and address is not known and is refused by him, and the police officer in charge of the said police station shall adopt such legal measures as may be necessary to cause the said person to be taken before a Presidency Magistrate with the least possible delay.

Levy of charges for electricity.

460I. Charges shall be leviable for the supply of electrical energy by the Bombay Electric Supply and Transport Undertaking at such rates as may from time to time be fixed, subject to the provisions of any enactment for the time being in force and of any licence granted to the corporation thereunder, by the Bombay Electric Supply and Transport Committee with the approval of the corporation.

Continuation of existing fares and charges.

460J. All fares and charges (whether for the conveyance of passengers or for the carriage of goods by any means of transport or for the supply of electrical energy) in force immediately before the coming into operation of the City of Bombay Municipal (Second Amendment) Act, 1948, shall continue in force until other fares or charges are fixed by the Bombay Electric Supply and Transport Committee under section 460H or 460I, as the case may be.

Bom. XLVIII of 1948.

Contracts entered into for the purposes of the undertaking.

Making of contracts.

460K. With respect to the making of contracts for the purposes of the Bombay Electric Supply and Transport Undertaking (including contracts relating to the acquisition and disposal of immovable property or any interest therein, or any right thereto) the following provisions shall have effect, namely :—

(*a*) every such contract shall be made on behalf of the corporation by the General Manager ;

(*b*) no such contract for any purpose which, in accordance with any provision of this Chapter, the General Manager may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first been duly given ;

(*c*) no contract which will involve an expenditure exceeding five thousand rupees shall be made by the General Manager unless the same is previously approved by the Bombay, Electric Supply and Transport Committee ;

(*d*) every contract made by the General Manager involving an expenditure exceeding five hundred and not exceeding five thousand rupees shall be reported by him within fifteen days after the same has been made to the Bombay Electric Supply and Transport Committee ;

(*e*) the foregoing provisions of this section shall, as far as may be, apply to every contract which the General Manager shall have occasion to make in the execution of this Act ; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

Mode of executing contracts.

460L. (*1*) Every contract entered into by the General Manager on behalf of the corporation for the purposes of the Bombay Electric Supply and Transport Undertaking shall be entered into in such manner and form as would bind the General Manager if such contract were on his own behalf, and may in the like manner and form be varied or discharged :

Provided that every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five thousand rupees or for the disposal of property of the corporation exceeding two thousand rupees in value shall be in writing and shall be signed by the General Manager and countersigned by two members of the Bombay Electric Supply and Transport Committee.

(*2*) No contract which is not executed in accordance with the provisions of sub-section (*1*) shall be binding upon the corporation.

Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.

460M. (*1*) Except as is hereinafter otherwise provided, the General Manager shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, give notice by advertisement in the local newspapers inviting tenders for such contract.

(*2*) The General Manager shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (*c*) of section 460K, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous :

Provided that the Bombay Electric Supply and Transport Committee may authorise the General Manager for reasons which shall be recorded in their proceedings to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security to be taken for performance of contracts.

460N. The General Manager shall require sufficient security for the due performance of every contract into which he enters under section 460M and may, in his discretion, require security for the due performance of any other contract, into which he enters under this Act.

Acquisition and disposal of property.

Acquisition of immovable property by agreement.

460O. (*1*) Whenever it is necessary or expedient for the purposes of the Bombay Electric Supply and Transport Undertaking that the General Manager shall acquire any immovable property, such property may be acquired by the General Manager on behalf of the corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Bombay Electric Supply and Transport Committee either generally for any class of cases or specially in any particular case.

(*2*) No contract for the acquisition of any immovable property shall be valid, if the price to be paid for such property exceeds five thousand rupees unless and until such contract has been approved by the Bombay Electric Supply and Transport Committee and, if the price exceeds ten thousand rupees, by the corporation.

Procedure when immovable property cannot be acquired by agreement.

460P. (*1*) Whenever the General Manager is unable to acquire any immovable property under section 460O by agreement, the Provincial Government may, in its discretion, upon the application of the General Manager made, with the approval of the Bombay Electric Supply and Transport Committee and, subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the corporation as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act. 1894. I of 1894.

(*2*) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to the other provisions of this Act, be forthwith paid by the General Manager and thereupon the said property shall vest in the corporation for the purposes of the Bombay Electric Supply and Transport Undertaking.

Provisions governing disposal of municipal property.

460Q. With respect to the disposal of property vesting in the corporation for the purposes of the Bombay Electric Supply and Transport Undertaking the following provision shall have effect, namely:—

(*a*) the General Manager may dispose of by sale, hire, hire-purchase or otherwise, any moveable property belonging to the corporation not exceeding in value, in each instance, two thousand rupees;

(*b*) the General Manager may grant a lease of any immovable property belonging to the corporation for any period not exceeding twelve months at a time:

Provided that every lease granted by the General Manager (other than a contract for a monthly tenancy) the annual rent whereof at a rack rent exceeds three thousand rupees shall be reported by him, within fifteen days after the same has been granted, to the Bombay Electric Supply and Transport Committee;

(*c*) with the sanction of the Bombay Electric Supply and Transport Committee, the General Manager may dispose of, by sale or otherwise, any moveable property belonging to the corporation of which the value does not exceed ten thousand rupees, and may grant a lease of any immovable property belonging to the corporation for any period exceeding one year, or sell or grant a lease in perpetuity of any immovable property belonging to the corporation the value whereof does not exceed fifty thousand rupees or the annual rental whereof does not exceed three thousand rupees;

(*d*) with the sanction of the corporation, the General Manager may lease, sell or otherwise convey any property, moveable or immovable, belonging to the corporation.

Officers and Servants.

Schedule of permanent officers and servants to be prepared by General Manager and sanctioned by Bombay Electric Supply and Transport Committee.

460R. (*1*) The General Manager shall, from time to time, prepare and bring before the Bombay Electric Supply and Transport Committee a schedule setting forth the designations and grades of the officers and servants, who should, in his opinion, be permanently maintained for the purposes of the Bombay Electric Supply and Transport Undertaking, and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each.

(*2*) The Bombay Electric Supply and Transport Committee shall sanction such schedule either as it stands or subject to such modifications as they deem expedient:

Provided that—

(*a*) no new permanent post of which the aggregate emoluments exceed four hundred rupees per mensem shall be created without the sanction of the corporation; and

(*b*) the corporation may by resolution direct that the scales of pay of any specified classes or grades of officers or servants shall not be varied without the approval of the corporation and, so long as such resolution is in force, the Bombay Electric Supply and Transport Committee shall not authorise any variation in such scales without such approval.

Restriction on appointment of permanent officers and servants.

460S. No permanent officer or servant shall be entertained in any department of the Bombay Electric Supply and Transport Undertaking unless his office and emoluments are included in the schedule at the time being in force prepared and sanctioned under section 460R.

Creation of temporary posts.

460T. (*1*) The General Manager may create temporary posts carrying a monthly salary exclusive of allowances not exceeding four hundred rupees per mensem for a period of not more than six months and no such posts shall be continued beyond such period without the previous sanction of the Bombay Electric Supply and Transport Committee.

(*2*) The Bombay Electric Supply and Transport Committee may create temporary posts carrying a monthly salary exclusive of allowances exceeding four hundred rupees per mensem for a period of not more than six months. The committee shall forthwith report to the corporation the creation of every such post and no such post shall be continued beyond a period of six months without the previous sanction of the corporation.

Power of appointment in whom to vest.

460U. Subject to the provisions of sections 460R and 460T, the power of appointing municipal officers and servants for the purposes of the Bombay Electric Supply and Transport Undertaking shall vest in the General Manager if the minimum monthly salary, exclusive of allowances, is less than five hundred rupees per mensem and in the Bombay Electric Supply and Transport Committee in all other cases.

Bombay Electric Supply and Transport Committee to frame servic regulations.

460V. (*1*) The Bombay Electric Supply and Transport Committee shall, from time to time, frame regulations applicable to municipal officers and servants appointed under this Chapter in regard to the following matters:—

(*a*) fixing the amount and the nature of the security to be furnished by any municipal officers or servants from whom it may be deemed expedient to require security;

(*b*) regulating the grant of leave to municipal officers and servants;

(*c*) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

(*d*) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave;

(*e*) authorizing the payment of travelling or conveyance allowances to the said officers and servants;

(*f*) regulating the period of service of all the said officers and servants;

(*g*) determining the conditions under which the said officers and servants or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the widows, or such other relations as may be prescribed, dependent on any of the said officers and servants shall, after their death, receive compassionate allowances and the amounts of such pensions, gratuities or compassionate allowances;

(*h*) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the committee, be established by the said officers and servants or to such provident fund, if any, as may be established by the committee for the benefit of the said officers and servants;

(*i*) in general, prescribing any other conditions of service of the said officers and servants.

(*2*) No regulation made by the Bombay Electric Supply and Transport Committee under this section shall have any force or validity unless and until it has been confirmed by the corporation.

(*3*) For the purposes of clause (*h*) of sub-section (*1*) any fund established prior to the acquisition of any undertaking by the corporation shall upon the undertaking becoming part of the Bombay Electric Supply and Transport Undertaking be deemed to be established in the manner mentioned in the said clause, if upon the acquisition of such undertaking arrangements are made by the Bombay Electric Supply and Transport Committee for the continuance of the fund.

Power of suspending, punishing and dismissing in whom to vest.

460W. Every municipal officer and servant appointed under the provisions of this Chapter may be fined, reduced, suspended or dismissed for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed

Leave of absence.

460X. (*1*) Subject to the provisions of any regulations made under section 460V, the General Manager may grant leave of absence to any officer or servant the power to appoint whom vests in him and for a period not exceeding three months to any other officer or servant appointed under the provisions of this Chapter.

(*2*) The Bombay Electric Supply and Transport Committee may grant leave of absence for a period exceeding three months to any officer or servant appointed by the committee.

Acting appointments.

460Y. The appointment of a person to act in the place of an officer or servant appointed under the provisions of this Chapter when absent on leave may be made when necessary, and subject to the regulations aforesaid, by the same authority who grants leave of absence.

REVENUE AND EXPENDITURE.

The Bombay Electric Supply and Transport Fund.

Constitution of Bombay Electric Supply and Transport Fund.

460Z. Except as provided in section 460HH all moneys received by or on behalf of the corporation in respect of the operations of the Bombay Electric Supply and Transport Undertaking shall be credited to a fund, which shall be called 'the City of Bombay Electric Supply and Transport Fund', and which shall, subject to the provisions herein contained, be held by the corporation in trust for the purposes of the said undertaking.

General Manager to receive payments on account of Bombay Electric Supply and Transport Fund and to lodge them in bank.

460AA. All moneys payable to the credit of the Bombay Electric Supply and Transport Fund shall be received by the General Manager and shall be forthwith paid into the Imperial Bank of India or such other banks in the city as may be approved by the corporation from time to time in this behalf to the credit of an account which shall be styled 'the account of the Bombay Electric Supply and Transport Fund':

Provided that the General Manager may,, subject to any general or special directions issued by the Bombay Electric Supply and Transport Committee, retain such balances in cash as may be necessary for the operations of the Bombay Electric Supply and Transport Undertaking.

How Bombay Electric Supply and Transport Fund shall be drawn against.

460BB. (*1*) Subject as hereinafter provided, no payment shall be made by the bank aforesaid out of the Bombay Electric Supply and Transport Fund except on a cheque signed by three persons in the manner specified below, namely :—

(*a*) by the Commissioner, or by the General Manager or in the absence of both by a municipal officer whose name appears in a list of officers authorised to sign cheques approved by the Bombay Electric Supply and Transport Committee;

(*b*) by one member of the committee, who shall attend daily for the purpose at such place as the committee appoints; and

(*c*) by a municipal officer whose name appears in the said list:

Provided that any cheque for an amount not exceeding one thousand rupees if signed by the Commissioner or by the General Manager or by any two officers whose names appear in the said list shall be sufficient authority for the payment of the amount thereof out of the said fund by the said bank but the General Manager shall place before the committee each week a list of the amounts so drawn from the fund.

(*2*) Payment of any sum due by the corporation out of the Bombay Electric Supply and Transport Fund in excess of one hundred rupees shall be made by means of a cheque signed as aforesaid and not in any other way.

(*3*) Payment of any sum due by the corporation out of the Bombay Electric Supply and Transport Fund not exceeding one hundred rupees in amount may be made by the General Manager in cash, and cheques for sums not in excess of one thousand rupees each, signed as aforesaid, may be drawn from time to time to cover such payment.

Deposit of portion of Bombay Electric Supply and Transport Fund may be made with bank or agency out of Bombay when convenient.

460CC. Notwithstanding anything contained in sections 460AA and 460BB, the General Manager may, with the previous approval of the Bombay Electric Supply and Transport Committee, from time to time, remit to and deposit with a bank or other agency at any place beyond the city any portion of the Bombay Electric Supply and Transport Fund, and any moneys payable to the credit of the Bombay Electric Supply and Transport Fund or chargeable there-against, which can, in the opinion of the General Manager, be most conveniently paid into or out of the account of the fund at any such bank or agency may be so paid.

Only sums covered by budget-grant to be expended from Bombay Electric Supply and Transport Funds.

460DD. (*1*) Except as hereinafter provided, no payment of any sum shall be made by the General Manager out of the Bombay Electric Supply and Transport Fund, unless the expenditure of the same is covered by a current budget-grant, and sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 133 or 134:

Provided that the following items shall be excepted from this prohibition, namely:—

(*a*) sums of which the expenditure has been sanctioned by the Bombay Electric Supply and Transport Committee under section 132;

(*b*) repayments of moneys belonging to contractors, consumers or other persons, held in deposit and of moneys collected or credited to the Bombay Electric Supply and Transport Fund by mistake;

(*c*) sums which the General Manager is under the provisions of this Act or any other enactment required or empowered to pay by way of compensation;

(*d*) sums payable in any of the circumstances mentioned in clause (*f*) of section 460GG;

(*e*) costs incurred by the General Manager under section 64;

(*f*) any sum required to make good to the municipal fund any payment made by the Commissioner out of the municipal fund under the provisions of section 115 for the purpose of the Bombay Electric Supply and Transport Undertaking.

(*2*) In sub-section (*1*) 'budget-grant' means a budget grant within the meaning of that term as defined in section 130 and includes any sum by which such budget-grant may at any time be increased by a transfer under sub-section (*1*) of section 133.

Drafts on Bombay Electric Supply and Transport Fund to be checked by members of Bombay Electric Supply and Transport Committee.

460EE. The members of the Bombay Electric Supply and Transport Committee shall not sign any cheque under section 460BB without first satisfying themselves that the sum for which such cheque is drawn is either covered by a budget-grant as aforesaid or is an item of one of the excepted descriptions specified in the proviso to sub-section (*1*) of section 460DD.

Procedure when money not covered by budget-grant is expended under clause (*c*) or (*d*) of the proviso to sub-section (*1*) of section 460DD.

460FF. Whenever any sum is expended by the General Manager under clause (*c*) or (*d*) of the proviso to sub-section (*1*) of section 460DD he shall forthwith communicate the circumstances to the Bombay Electric Supply and Transport Committee who shall take such action under sub-section (*2*) of section 133 or recommend to the corporation to take such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Purposes for which the Bombay Electric Supply and Transport Fund is to be applied.

460GG. The moneys from time to time credited to the Bombay Electric Supply and Transport Fund shall be applied in payment of all sums, charges and costs necessary for the purposes of acquiring, maintaining, operating and improving the Bombay Electric Supply and Transport Undertaking and of carrying into effect the provisions of this Chapter, or of which the payment shall be duly directed or sanctioned by or under any of the provisions of this Act. inclusive of—

(*a*) the repayment to the municipal fund of any amount disbursed therefrom for the purposes of the Bombay Electric Supply and Transport Undertaking, including the cost of, or reasonable charges for, all supplies provided and services rendered for any such purpose by the Commissioner at the charge of the municipal fund;

(*b*) the payment to the municipal fund of a sum of money equivalent to the sum which would have been payable under this Act on account of rates, taxes fees or other imposts in respect of lands and buildings and other properties moveable and immovable, of the Bombay Electric Supply and Transport Undertaking if the said lands, buildings and other properties had not vested in the corporation;

(*c*) the payment of fees to the Chairman and members of the Bombay Electric Supply and Transport Committee, and the salary and other allowances of the General Manager;

(*d*) the payment of salaries and other allowances of all municipal officers and servants appointed under the provisions of this Chapter and all contributions to provident funds, pensions, gratuities and compassionate allowances payable under the provisions of this Chapter or of any schedule or regulations framed under this Chapter and at the time in force;

(*e*) the payment of all expenses and costs incurred by the General Manager in the exercise of any power or the discharge of any duty conferred or imposed upon him for the purposes of, or in connection with, the Bombay Electric Supply and

Transport Undertaking under the provisions of this Act or of any other enactment including moneys which he is required or empowered to pay by way of compensation;

(*f*) the payment for the purchase of goods and equipment intended for re-sale or for letting out on hire or hire purchase under the provisions of this Chapter;

(*g*) the payment of every sum payable under a decree or order of a civil or criminal court passed against the corporation or against the Commissioner or the General Manager ex-officio in any proceeding arising out of the acquisition maintenance or operation of the Bombay Electric Supply and Transport Undertaking, or under a compromise effected under section 517 of any suit or other legal proceeding or claim arising out of such acquisition, maintenance or operation;

(*h*) every sum required by the provisions of section 460KK or 460LL to be transferred to the municipal fund.

Special Funds

Institution of Bombay Electric Supply and Transport Staff Benefit Fund.

460HH. Fines collected under section 460W, donations from passengers, and the proceeds of the sale of unclaimed lost property recovered from vehicles of the Bombay Electric Supply and Transport Undertaking shall be credited to a separate fund to be called 'the Bombay Electric Supply and Transport Staff Benefit Fund' the proceeds of which shall be expended in promoting the well-being of municipal officers and servants appointed under this Chapter and for the payment of compassionate allowances to the widows of such officers and servants who die while in municipal service and to such other relations of the officers and servants as the Bombay Electric Supply and Transport Committee may from time to time determine.

Other special funds.

460II. With the previous approval of the corporation the Bombay Electric Supply and Transport Committee may direct that any portion of the Bombay Electric Supply and Transport Fund may from time to time be credited to a separate heading in the accounts maintained under section 460MM, provided that there shall be credited and debited to such special heading such sums only as shall expressly relate to the object for which a special fund is so created.

Disposal of Balances.

Investment of surplus moneys.

460JJ. (*1*) Surplus moneys at the credit of the Bombay Electric Supply and Transport Fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised for the purposes of the Bombay Electric Supply and Transport Undertaking may be, from time to time, deposited at interest in the Imperial Bank of India or such other bank as may have been approved by the corporation under section 460AA or be invested in public securities.

(*2*) All surplus moneys which it is necessary to keep readily available for application to such purposes, and all surplus moneys which cannot in the opinion of the General Manager, concurred in by the Bombay Electric Supply and Transport

Committee, be favourably deposited or invested as aforesaid, may be deposited at interest at any bank or banks in the city which the Bombay Electric Supply and Transport Committee may, subject to the control of the corporation, from time to time select for the purpose.

(3) All such deposits and investments shall be made by the General Manager on behalf of the corporation, with the sanction of the Bombay Electric Supply and Transport Committee and, with the like sanction, the General Manager may at any time withdraw any deposit so made or dispose of any securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the diposal of such securities; but no order for making any deposit or investment, withdrawal or disposal under this section shall have any validity unless the same be in writing, signed by three persons in the manner specified in sub-section (1) of section 460BB for signing of cheques.

(4) The loss, if any, arising from any such deposit or investment shall be debited to the Bombay Electric Supply and Transport Fund.

Payment out of surplus balance.

Fixed annual payment to municipal fund.

460KK. (1) Out of the balance of income over expenditure remaining at credit of the Revenue Account of the Bombay Electric Supply and Transport Fund at the close of each official year, after defraying or making allowance for all charges, costs and expenses payable out of the revenue of the said fund and allowing for the retention of a cash balance of one lakh of rupees at the least to the credit of the said fund, there shall be transferred to the credit of the municipal fund the amount provided in sub-section (2):

Provided that if the balance at credit of the said Revenue Account, after allowing for the matters aforesaid, is less than the amount provided in sub-section (2), the whole of such balance shall be transferred to the municipal fund and any deficit shall be made good to the municipal fund out of the Revenue Reserve Fund maintained under section 460LL and if the deficit still remains it shall be made good to the municipal fund out of the balance available at credit of the Revenue Account of the next or any subsequent year after allowing for all the matters aforesaid and for the amount provided in sub-section (2) in respect of that year.

(2) The amount to be transferred to the municipal fund under sub-section (1) shall be :—

(a) in the case of the official year ended on the 31st March 1948 the sum of five lakhs of rupees;

[1][(b) in the case of the official years ended on the 31st March 1949 and the 31st March 1950, in respect of each year, the sum of ten lakhs of rupees;

(c) in the case of the official year ending on the 31st March 1951, the sum of twenty-five lakhs of rupees;

(d) in the case of each subsequent year until the year ending on the 31st March 1955, at progressively increasing scale, the sum of three lakhs of rupees in addition to the sum paid in respect of the previous official year;

(e) in the case of the official year ending on the 31st March 1956 and each subsequent official year, the sum of forty lakhs of rupees].

(3) The sum to be transferred under sub-section (1) shall be paid into the Imperial Bank of India to the credit of the municipal fund by means of a cheque drawn upon the Bombay Electric Supply and Transport Fund not later than the thirtieth day

---

[1] Clauses (b) to (e) were substituted for clauses (b) and (c) by Bom. 48 of 1950, s. 71.

of June immediately following the close of the year in which the balance out of which the transfer is due to be made accrues.

Disposal of surplus balance of revenue.

460LL. (*1*) If after making allowance for the matters mentioned in section 460KK, there remains any further surplus balance of income over expenditure at credit of the Revenue Account of the Bombay Electric Supply and Transport Fund, such surplus shall be disposed of as follows:—

(*a*) 30 per cent. of the surplus shall be credited under a separate heading in the accounts maintained under section 460MM to a special fund to be called 'the Revenue Reserve Fund', unless the balance in the said Revenue Reserve Fund, with such credit, would exceed fifty lakhs of rupees, in which case only such sum, if any, as is required to bring the balance to fifty lakhs of rupees shall be so credited and the remainder of the surplus, up to 30 per cent. thereof, shall be added in equal shares to the amounts credited or transferred under clauses (*b*), (*c*) and (*d*);

(*b*) 30 per cent. of the surplus and such additional amount as may be available under clause (*a*) shall be credited under a separate heading in the accounts maintained under section 460MM to a special fund called 'the Bombay Electric Supply and Transport Betterment Fund';

(*c*) 25 per cent. of the surplus and such additional amount as may be available under clause (*a*) shall be transferred to the municipal fund for credit to the Welfare Fund mentioned in section 120A; and

(*d*) 15 per cent. of the surplus and such additional amount as may be available under clause (*a*) shall be transferred to the municipal fund.

(*2*) The Revenue Reserve Fund shall be applied to the following purposes:—

(*i*) in making good or in reduction of any deficit in the amount to be transferred in any year to the municipal fund under section 460KK; and

(*ii*) in meeting any charges to be defrayed out of the Bombay Electric Supply and Transport Fund to the extent to which the balance available in the fund is insufficient for the purpose.

(*3*) The Bombay Electric Supply and Transport Betterment Fund shall be applied to improvements in the services, amenities and facilities provided for the public by the Bombay Electric Supply and Transport Undertaking.

(*4*) The amounts to be transferred to the municipal fund under clauses (*c*) and (*d*) of sub-section (*1*) shall be paid into the Imperial Bank of India to the credit of the municipal fund by means of cheques drawn upon the Bombay Electric Supply and Transport Fund not later than the thirtieth day of June immediately following the close of the official year in which the transfers are due to be made.

Accounts.

Accounts of the Bombay Electric Supply and Transport Undertaking.

460MM. (*1*) Accounts of the receipts and expenditure of the corporation on account of the Bombay Electric Supply and Transport Undertaking and of the properties vested or vesting in the corporation for the purposes of the said undertaking shall be kept in such manner and in such forms as the Bombay Electric Supply and Transport Committee shall from time to time prescribe.

(*2*) The General Manager shall publish such accounts in the *Official Gazette* every year.

Preparation of annual administration report and statement of accounts.

460NN. (*1*) The General Manager shall, as soon as may be after each first day of April, have prepared a detailed report of the administration of the Bombay Electric Supply and Transport Undertaking during the previous official year, together with a statement showing the amount of the receipts and disbursements respectively credited and debited to the Bombay Electric Supply and Transport Fund during the said year and the balance at the credit of the fund at the close of the said year as also an account of the balance due on loans and shall submit the same to the Bombay Electric Supply and Transport Committee.

(*2*) After an examination and review of the report and statement by the Bombay Electric Supply and Transport Committee, a copy of the report together with a copy of the committee's review shall be forwarded to the usual or last known address of each councillor at least eight days previous to the ordinary meeting of the corporation in the next following month of October and copies thereof shall be delivered to any person requiring the same on payment of such reasonable fee for each copy as the General Manager, with the previous approval of the Bombay Electric Supply and Transport Committee, shall determine.

Miscellaneous.

Power of Police to regulate traffic on streets.

460OO. Nothing in this Chapter shall limit the powers of any police officer to regulate the passage of any traffic along or across any street along or across which any tramways are laid down and the police officer may exercise his authority as well on as off the tramway, and with respect as well to the traffic of the Bombay Electric Supply and Transport Undertaking as to the traffic of other persons.

Right of public to use streets on which tramway is laid.

460PP. No carriages with flange-wheels or wheels suitable only to run on a grooved rail, except those belonging to the Bombay Electric Supply and Transport Undertaking, shall be entitled to pass along a tramway, but, subject to this provision, nothing in this Act shall take away or abridge the right of the public to pass along or across every or any part of any street along or across which any tramway is laid whether on or off the tramway, with carriages not having flange-wheels or wheels suitable only to run on a grooved rail.

CHAPTER XVII.

BY-LAWS.

[1][By-laws for purposes other than the Bombay Electric Supply and Transport Undertaking.

461. The corporation may from time to time make by-laws, not inconsistent with this Act, with respect to the following matters, namely :—

(*a*) regulating, in any particular not specifically provided for in this Act, the construction, maintenance and control of drains, ventilation-shafts or pipes, cesspools, water-closets, privies, latrines, urinals, drainage-works of every description, whether belonging to the Corporation or to other persons, municipal water-works, private communication-pipes and other public streets ;

(*b*) regulating all matters and things connected with the supply and use of water ;

---

[1] This marginal note was substituted for the original, by Bom. 48 of 1948, s. 41.

(*c*) the structure of walls, foundations, roofs and chimneys, [1][the number, width and position of staircases, corridors and passages,] [2][the materials, dimensions and strength of floors and staircase and of all scantlings, girders, posts, and columns] of [3] * * * buildings, for securing stability and the prevention of fires [4][and the safety of the inmates in the event of fire] and for purposes of health ;

[5][(*cc*) the construction of scaffolding for building operations to secure the safety of the operatives and of the general public ;]

(*d*) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air, and of other means for the adequate ventilation of buildings ;

[6][(*dd*) the provision and maintenance of suitable means of access to buildings] ;

(*e*) the provision and maintenance of house-gullies ;

(*f*) the control and supervision of all premises, used for any of the purposes mentioned in section 394, and of all trades and manufactures carried on therein [7][and the prescribing and regulating of the construction. dimensions, ventilation lighting, cleansing, drainage and water supply of any such premises ;]

(*g*) the inspection of milch-cattle, and prescribing and regulating the construction, dimensions ventilation, lighting, cleansing, drainage and water supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy men or milk-sellers ;

(*h*) securing the cleanliness of milk-stores, milk-shops and milk-vessels used by such persons for containing milk ;

(*j*) requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination ;

(*k*) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept are sold ;

(*l*) the control and supervision of butchers carrying on business within the city or at a municipal slaughter-house without the city ;

(*m*) regulating the use of any municipal market-building, market place or slaughter-house or any part thereof ;

[8][(*ma*) regulating the purchase and sale of, and conditions of trading in, agricultural produce specified in Schedule JJ in municipal and private markets and establishment of markets for such produce ;]

---

[1] These words were substituted for the original by Bom. 76 of 1948, s. 28.

[2] These words were inserted by Bom. 5 of 1905, s. 56 (*1*)(*b*).

[3] The word " new " was repealed *ibid.*, s. 56(*1*)(*a*).

[4] These words were inserted by Bom. 2 of 1911, s. 17(*1*)(*b*).

[5] Clause (*cc*) was inserted by Bom. 5 of 1905, s. 56(*2*).

[6] Clause (*dd*) was inserted *ibid.*, s. 56 (*3*).

[7] These words were added by Bom. 1 of 1916, s. 12.

[8] This clause was inserted by Bom. 54 of 1955, s. 11.

(*n*) controlling and regulating the sanitary condition of markets and slaughter-houses and preventing the exercise of cruelty therein ;

[1][(*nn*) controlling and regulating the carriage or removal of fish through public streets by fish vendors ;]

[2][(*o*) [3] * * *

(*ii*) publishing a price current ;]

[4][(*oo*) the licensing of hand-carts, other than those exempted from taxation under section 181 or those plying for hire in respect of which licences have been issued under Bombay Act VI of 1863 [5]and the seizure and detention of any such hand-carts that have not been duly licensed] ;

(*p*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the several classes of the community ;

(*q*) facilitating and securing complete and accurate registration of births and deaths ;

(*r*) the registration of marriages ;

(*s*) facilitating, when requisite, the taking of a census and securing accurate returns ;

(*t*) regulating the delegation of the powers and duties of the standing committee [6][the Improvements Committee and the Education Committee] to sub-committees ;

[7][(*u*) the constitution of the Primary Education Consultative Committee appointed under section 39 ;]

(*v*) determining the constitution, powers and duties of any committee which the corporation may appoint under section 40 or 41 ;

[8][(*vv*) securing the protection of public parks, gardens and open spaces vested in or under the control of the corporation from injury or misuse, regulating their management and the manner in which they may be used by the public and providing for the proper behaviour of persons in them ;]

[9][(*w*) the administration and management of the municipal primary schools and the recognising and aiding of schools for primary education ;]

[10][(*x*) the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme duly sanctioned under the [11][City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925 ;]

[12][(*y*) the conditions on which loan shall be advanced and the form of application [13][for loans under section 354W or 354WA] ; and]

---

[1] This clause was inserted by Bom. 76 of 1948, s. 28.

[2] This clause was substituted for the original clause by Bom. 4 of 1921, s. 3.

[3] Sub-clause (*i*) was repealed by the Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932) which came into effect in Bombay City on 1st August 1935, *vide* Government Notification, General Department, No. 9518, dated 30th April 1935.

[4] This clause was inserted by Bom. 2 of 1911, s. 17(*2*).

[5] See now Bom. 7 of 1920.

[6] These words were substituted for the words "and of the Improvements Committee" by Bom. 48 of 1950, s. 72(*1*).

[7] This clause was substituted for the original *ibid.*, s. 72(*2*).

[8] This clause was inserted by Bom. 6 of 1922, s. 32.

[9] Clause (*w*) was substituted for the original by Bom. 48 of 1950, s. 72(*3*).

[10] These clauses were inserted by Bom. 13 of 1933, s. 36(*b*).

[11] The City of Bombay Improvement Act, 1898, was repealed by the City of Bombay Improvement Trust Transfer Act, 1925, which has been repealed by Bom. 13 of 1933.

[13] These words were substituted for the words "for the advance of a loan under section 354 W" by Bom. 34 of 1954, s. 26,

[1][(*z*) carrying out generally the provisions and intentions of this Act ;

[2][Provided that in the suburbs or in any part thereof, the corporation shall have the power to impose under bye-laws such special conditions as it may deem fit to impose in respect of matters falling under clauses (*a*), (*b*), (*c*) and (*e*) of this section and under section 349E].

Bye-laws for purposes of Bombay Electric Supply and Transport Undertaking.

[3][**461A.** (*1*) The corporation may from time to time make bye-laws for regulating matters affecting the conduct of the Bombay Electric Supply and Transport Undertaking not inconsistent with the provisions of this Act or of any other enactment applicable to the undertaking or with the provisions of any rules, bye-laws, regulations, permit or licence issued thereunder.

(*2*) In particular, and without prejudice to the generality of the foregoing power such bye-laws may provide for the following matters, namely :—

(*a*) the rate of speed to be observed in travelling upon the tramways of the Bombay Electric Supply and Transport Undertaking ;

(*b*) the distances at which carriages using the said tramways shall be allowed to follow one after the other ;

(*c*) the stopping of carriages using the said tramways ;

---

[1] Clause (*w*) was relettered, (*z*), by Bom. 13 of 1933, s. 36(*c*).

[2] This proviso was added by Bom. 7 of 1950, s. 6(*1*).

[3] This section was inserted by Bom. 48 of 1948, s. 42.

(*d*) the hours at which such carriages carrying goods shall run on the tramways;

(*e*) the prevention of the commission of any nuisance in or upon any vehicle of the Bombay Electric Supply and Transport Undertaking used for the conveyance of the public or in or against any premises of the undertaking;

(*f*) generally for regulating the travelling in or upon vehicles of the Bombay Electric Supply and Transport Undertaking used for the conveyance of passengers; and

(*g*) the observance by municipal officers and servants appointed in connection with the Bombay Electric Supply and Transport Undertaking of sobriety, courtesy and special vigilance to prevent danger to persons or vehicles using the streets.

(*3*) In respect of any transport undertaking acquired by the corporation all by-laws and regulations relating to such undertaking in force immediately before such acquisition shall be deemed to have been made under sub-section (*1*) and shall continue in force until altered, repealed or amended by the corporation.]

Punishment may be imposed for breach of by-laws.

462. In making a by-law under [1][section 461 or 461A], the corporation may provide that a breach of it shall be punishable with fine which may extend to twenty rupees and, in the case of a continuing breach with fine which may extend to ten rupees for every day, after conviction for the first breach or after receipt of written notice from the Commissioner to discontinue the breach, during which the breach continues.

By-laws to be confirmed by Central or Provincial Government, as the case may be.

463. No by-law, [2]* * * * * shall have any validity unless and until it is confirmed [3][in the case of a by-law made under clause (*s*) of section 461, by the Central Government, and in the case of any other by-law, by the Provincial Government.]

Commissioner to lay draft by-laws before the corporation for their consideration.

464. It shall be the duty of the Commissioner from time to time to lay before the corporation for their consideration a draft of any by-law which he shall think necessary or desirable for the furtherance of any purpose of this Act.

Hearing by corporation of objections to proposed by-laws.

465. (*1*) No by-law shall be finally approved by the corporation, unless notice of the intention of the corporation to take the same into their consideration has been given by advertisement in the [4][*Official Gazette*] and in the local newspapers six weeks at least before the day of the meeting at which the corporation finally consider such by-law.

(*2*) The corporation shall, before approving the by-law, receive and consider any objection or suggestion which may be made in writing by any person with respect thereto before the day of the said meeting; and any person desiring to object to a by-law, on giving written notice to the president of the corporation, not less than ten days before the day of the said meeting, of the nature of his said objection may, by himself or his counsel, attorney or agent, be heard by the corporation thereon at the said meeting, but not so as that more than one person be heard on the same matter of objection.

---

[1] This was substituted for the original words, by Bom. 48 of 1948, s. 43.

[2] The words "made under either of the two last preceding sections," were omitted by the Adaptation of Indian Laws Order in Council.

[3] The words, figures, letter and brackets "in the case of a by-law made under clause (*s*) of section 461, by the Central Government, and in the case of any other by-law, the Provincial Government" were substituted for the words "by Government", *ibid.*

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

Proposed by-laws to be open to public inspection.

466. (*1*) For one month at least before the day of the meeting at which the corporation finally consider a by-law, a printed copy of such by-law shall be kept at the chief municipal office for public inspection, and every person shall be permitted at any reasonable time to peruse the same, free of charge.

(*2*) Printed copies of the proposed by-law shall also be delivered to any person requiring the same on payment of such fee, not exceeding one rupee for each copy, as shall be prescribed by the Commissioner.

By-laws confirmed by Central or Provincial Government to be published in the *Bombay Government Gazette.*

467. When any by-law has been confirmed [1][by the Central or the Provincial Government, as the case may be,] it shall be published in the *Bombay Government Gazette*, and thereupon shall have the force of law.

Printed copies of by-laws to be kept on sale.

468. (*1*) The Commissioner shall cause all by-laws from time to time in force to be printed; and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of a fee of two annas per each copy.

(*2*) Notice of the fact of copies of the by-laws being obtainable at the said price, and of the place where and the person from whom the same are obtainable, shall be given by the Commissioner from time to time by advertisement in the local newspapers.

(*3*) Boards, with the by-laws printed thereon or with printed copies of the by-laws affixed thereto, shall be hung or affixed in some conspicuous part of the municipal office and in such places of public resort, markets, slaughter-houses and other works or places affected thereby, as the Commissioner thinks fit, and the said boards shall from time to time be renewed by the Commissioner.

Boards for exhibiting by-laws to be open to inspection and not to be injured.

469. (*1*) No municipal officer or servant shall at any reasonable time prevent the inspection of any board provided by the Commissioner, under the last preceding section by any person desiring to inspect the same.

(*2*) No person shall, without lawful authority, destroy, pull down, injure or deface any such boards.

Application of sections 466, 468 and 469 to by-laws under section 461A.

[2][**469A.** In regard to by-laws made or required or proposed to be made under section 461A, the provisions of sections 466, 468 and 469 shall apply as if for the word 'Commissioner' the words 'General Manager' had been substituted, and as if section 468 had provided for the display of the relevant by-laws in every vehicle of the Bombay Electric Supply and Transport Undertaking used for the conveyance of the public.]

Central or Provincial Government, as the case may be, may repeal by-laws.

470. (*1*) If it shall at any time appear to the [3][Provincial Government] that any by-laws should be [4][modified or] repealed either wholly or in part, [5][it] shall cause [5][its] reasons for such opinion to be communicated to the corporation and prescribe a reasonable period within which the corporation may make any representation with regard thereto which they shall think fit.

(*2*) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the prescribed period, the [3][Provincial Government] may at any time, by notification in the

---

[1] The words "by the Central or the Provincial Government, as the case may be" were substituted for the words "by Government" by the Adaptation of Indian Laws Order in Council.

[2] This section was inserted by Bom. 48 of 1948, s. 44.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] These words were inserted by Bom. 5 of 1905, s. 57 (*a*).

[5] The words "it" and "its" were substituted for the words "he" and "his" respectively by the Adaptation of Indian Laws Order in Council.

[1][*Official Gazette*] [2][modify or] repeal such by-law either wholly or in part: [3][Provided that no by-law shall be modified or repealed in part only by the [4][[5][State] Government] if, within the period aforesaid, the corporation have objected to a modification or partial repeal thereof.]

(*3*) The [6][modification or] repeal of a by-law under sub-section (*2*) shall take effect from such date as the [4][[5][State] Government] shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the [1][*Official Gazette*], except as to anything done or suffered or omitted to be done before such date.

(*4*) The said notification shall also be published in the local newspapers.

[7][(*5*) The powers conferred by this section on the [5][State] Government, shall, in relation to any by-law made under clause (s) of section 461, be powers of the Central Government].

CHAPTER XVIII.

PENALTIES.

Certain offences punishable with fine.

[8][**471.** Whoever

(*a*) contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table, or of any regulation made thereunder; or

(*b*) fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

shall be punished, for each such offence, with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed "Subject" are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column.

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
[9][Section 19, sub-sections (5A) and (5B).	Requisition by Commissioner ..	One hundred rupees.]
[10]*	* * * *	* *
Section 138 ..	Requisition by auditor appointed for special audit ..	One hundred rupees.
Section 149 ..	Notice to be given of transfer of title ..	Fifty rupees.
Section 150 ..	Requisition to produce instrument of transfer ..	Fifty rupees.
Section 152 ..	Notice to be given of the erection of new building, etc.	Fifty rupees.

---

[1] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[2] These words were inserted by Bom. 5 of 1905, s. 57 (*b*).

[3] This proviso was substituted for the original proviso, *ibid.*

[4] The words "Provincial Government" were substituted for the words "Governor in Council"

[5] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

by the Adaptation of Indian Laws Order in Council.

[6] These words were inserted by Bom. 5 of 1905, s. 57 (*b*).

[7] This sub-section was inserted by the Adaptation of Indian Laws Order in Council

[8] Section 471 was substituted for the original section by Bom. 5 of 1905, s. 58.

[9] This entry was inserted by Bom. 13 of 1938 s. 30 (*1*).

[10] Entry relating to section 136, sub-section (*2*) was deleted by Bom. 17 of 1938, s. 2, First Schedule.

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
Section 188 ..	Notice to be given by person becoming possessed of a vehicle or animal liable to tax.	Fifty rupees.
[1][Section 191A, sub-section (*3*).	Return to be forwarded by an owner or person in charge of a dog.	Fifty rupees.]
[2][Section 191H ..	Return to be submitted by person liable to theatre tax.	Fifty rupees.]
Section 223, sub-section (*1*).	Buildings, etc, not to be erected without permission over drains.	One hundred rupees.
Section 229 ..	Connections, with municipal drains, etc. not to be made except in conformity with section 227 or 228.	One hundred rupees.
[3][Section 229A, sub-section (*1*).	Buildings, etc., not to be erected without permission over any drains.	One hundred rupees.]
[3][Section 230A ..	Owner of land to allow others to carry drains through the land.	Fifty rupees.]
Section 231 ..	Requisition to enforce drainage of undrained premises situate within a hundred feet of a municipal drain.	Fifty rupees.
Section 232 ..	Requisition to enforce drainage of undrained premises not situate within hundred feet of a municipal drain.	Fifty rupees.
Section 233, sub-section (*1*), clause (*b*).	Direction limiting use of drain or notice requiring the construction of a distinct drain.	Fifty rupees.
Section 233A, clause (*b*).	Drains for sole use of properties to be maintained in good repair, etc., by owner or occupier.	Fifty rupees.
Section 234 ..	New buildings not to be erected without drains ..	Five hundred rupees.
Section 235 ..	Excrementitious matter not to be passed into cesspool.	One hundred rupees.
Section 236 ..	Owners of drains to allow use thereof, or joint ownership therein, to others.	Fifty rupees.
Section 240 ..	Drains not to pass beneath buildings ..	Two hundred rupees.
Section 241 ..	Provisions as to position of cesspools ..	Two hundred rupees.
Section 243, sub-section (*2*).	Requisition to cover or ventilate drain or cesspool	Fifty rupees.
Section 246A, sub-section (*1*). ..	Water-closets and privies not to be constructed.. without permission or in contravention of terms prescribed.	Two hundred rupees.
Section 247 ..	Buildings newly erected or re-erected to be provided with water-closet and other accommodation.	Two hundred rupees.
Section 248, sub-section (*1*)..	Requisition to enforce provision of privy accommodation, etc.	Fifty rupees.
Section 249 ..	Requisition to provide privy accommodation for factories, etc.	Two hundred rupees.
Section 249A ..	Requisition respecting unhealthy privies ..	Two hundred rupees.
Section 250, sub-section (*1*) ..	Provisions as to privies ..	Fifty rupees.
Section 251 ..	Provisions as to water-closets ..	Fifty rupees.
Section 251A ..	Provisions as to privies and water-closets ..	Two hundred rupees.
Section 251B ..	Provisions as to use of places for bathing or washing clothes or domestic utensils.	Fifty rupees.
Section 257 ..	Requisition to effect sanitary repairs, etc. ..	Fifty rupees.
Section 258 ..	Prohibition of acts contravening the provisons of Chapter IX or done without sanction.	One hundred rupees.
Section 259A, sub-sections (*1*) and (*4*).	Provisions as to employment of licensed plumber and use of work.	Two hundred rupees.

---

[1] This entry was inserted by Bom. 2 of 1943, s. 4, read with Bom. 8 of 1948, s. 2.

[2] This entry was inserted by Bom. 30 of 1951, s. 5.

[3] This entry was inserted by Bom. 8 of 1918, s. 18 (*a*).

Section, sub-section or clause. 1	Subject 2	Fine which may be imposed. 3
Section 259A, sub-sections (*2*). and (*3*).	Licensed plumber to give and sign certificate ..	Fifty rupees.
Section 268, sub-section (*1*).	Buildings, etc., not to be erected over water-main without permission.	One hundred rupees.
Section 269, sub-section (*3*).	Water not to be carried away from public water-supply for sale, and not to be carried in cask, etc., without permission.	Fifty rupees.
Section 270, sub-section (*2*).	Public water-supply, set apart for particular purpose, not to be used for other purpose.	Twenty rupees.
[1][Section 270A ..	Premises not to be occupied without Commissioner's certificate in respect of adequate water supply.	Three hundred rupees.]
[2][Section 271, sub-section (*2*).	Requisition to obtain private water supply and to provide supply and distributing pipes, etc.	Two hundred rupees.]
Section 272, sub-section (*1*).	Provisions as to the making and renewing of connections with municipal water-works.	Two hundred rupees.
[3][Section 272, sub-section (*5*).	Provision as to unauthorised connections with municipal water works, etc.	Fifty rupees.]
Section 274 ..	Requisition to provide [4][cistern and fittings or means of access to any cistern].	Fifty rupees.
Section 275 ..	[4][Supply or distributing pipes] etc., to be kept in efficient repair by owner or occupier of premises.	One hundred rupees.
Section 278, sub-section (*2*).	Requisition to remedy defect in meter, [4][supply or distributing pipe], etc.	Fifty rupees.
Section 280 ..	Conditions as to use of water not to be contravened.	[4][One hundred rupees.]
Section 281 ..	Water pipes, etc., not to be placed where water will be polluted.	One hundred rupees.
Section 282 ..	Prohibition of fraudulent and unauthorised use of water.	One hundred rupees.
Section 283, sub-section (*1*).	Prohibition of fraud in respect of meters ..	One hundred rupees.
Section 284 ..	Prohibition of wilful or neglectful acts relating to water works.	One hundred rupees.
[5]*	* * * * *	* *
[6][Section 287B, sub-section (*1*).	Work under Chapter X to be done by licensed plumber.	Two hundred rupees.]
[6][Section 287B, sub-section (*2*).	Name of licensed plumber to be furnished ..	Fifty rupees.]
Section 297, sub-section (*3*).	Construction of building, within the regular line of street without permission.	One thousand rupees.
Section 304, sub-section (*1*).	[7][Land not to be appropriated for building and private street not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's direction.]	Five hundred rupees.
Section 305 ..	Requisition as to levelling and draining of private streets.	One hundred rupees.
Section 308, sub-section (*1*).	Prohibition of projections upon streets, etc. ..	Two hundred rupees.
Section 308, sub-section (*2*).	Requisition to remove the same ..	Two hundred rupees.
Section 309, sub-section (*1*).	Requisition to remove or alter projections, etc., made before Bombay Act III of 1872 came into force.	Two hundred rupees.
Section 311 ..	Ground floor doors, etc., not to open outwards on streets.	Twenty rupees.
Section 312, sub-section (*1*).	Prohibition of structures or fixtures causing obstruction in streets.	One hundred rupees.

---

[1] This entry was inserted by Bom. 64 of 1953, s. 19 (*1*).

[2] This entry was inserted by Bom. 5 of 1938, s. 41 (*a*).

[3] This entry was inserted by Bom. 10 of 1928, s. 16 (*1*).

[4] These words were substituted for the original by Bom. 5 of 1938, s. 41 (*c*), (*d*) and (*e*),

[5] The entry relating to section 287, sub-section (*2*), repealed by Bom. 8 of 1918, s. 18 (*b*) has been omitted.

[6] These entries were inserted. *ibid.* s. 18 (*c*).

[7] These words were substituted for the original words by Bom. 5 of 1920, s. 5

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
Section 313, sub-section (*1*).	Prohibition of deposits, etc., of things in streets ..	One hundred rupees.
[1][Section 313A ..	Prohibition of hawking articles for sale in a public place or street without a licence.	Fifty rupees.]
[2][Section 313B ..	Prohibition in a public place or street, of use of skill in handicraft or in rendering services without licence.	Fifty rupees.]
Section 315 ..	Requisition to remove structures or fixtures erected or set up before section 312 came into force.	One hundred rupees.
Section 316, sub-section (*1*).	Prohibition of the tethering of animals in public streets.	Twenty rupees.
Section 319, sub-section (*2*).	Direction to close street in which work is in progress.	Fifty rupees.
Section 321, sub-section (*2*).	Shoring-timber fence, etc., employed to secure public safety while municipal works are in progress, not to be removed.	Fifty rupees.
Section 322, sub-section (*1*).	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	[3][One hundred] rupees.
Section 323 ..	Precautions for public safety to be taken by persons to whom permission is granted under section 322.	Fifty rupees.
Section 324, sub-section (*1*).	Persons to whom permission is granted under section 322 must re-instate streets.	Fifty rupees.
Section 325 ..	Provision to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt streets.	Two hundred rupees.
Section 326 ..	Hoards to be set up during work on any building adjacent to a street.	Fifty rupees.
Section 327, sub-section (*2*).	Name of street and number of house not to be destroyed or defaced.	Twenty rupees.
[4][Section 328, sub-section (*1*).	Sky-signs not to be erected or retained without permission.	One hundred rupees.]
[4][Section 328A, sub-section (*1*).	Advertisements on certain [5][sites, vehicles, etc.] not to be exhibited without permission.	One hundred rupees.]
Section 329, sub-section (*1*).	Requisition to repair, protect or enclose dangerous place.	Fifty rupees.
Section 331 ..	Prohibition of removal, etc., of lamps ..	One hundred rupees.
Section 333, sub-sections (*1*), (*2*) and (*3*).	Provisions as to manner of laying gas-pipes ..	One thousand rupees.
Section 334, sub-section (*1*).	Requisition to alter situation of gas-pipes, etc. ..	Fifty rupees.
Section 335, sub-section (*1*).	Buildings, etc., not to be erected without permission over municipal gas-pipes.	One hundred rupees.
Section 344A ..	Provision for supervision of buildings and works ..	Five hundred rupees.
Section 347, sub-section (*1*).	Work not be commenced without notice ..	One thousand rupees.
[6][Section 347A ..	Building not to be converted to other purposes without the permission of the Commissioner.	Five hundred rupees.]
[7][Section 347B ..	Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown, etc., without permission.	Five hundred rupees.]

---

[1] This entry was inserted by Bom. 1 of 1925, s. 26 (*1*).

[2] This entry was inserted by Bom. 5 of 1938, s. 41 (*f*).

[3] The words "One hundred" were substituted for the word "Fifty" by Bom. 6 of 1913, s. 9 (*1*).

[4] These entries were substituted for the original entry by Bom. 7 of 1921, s. 11.

[5] The words "sites, vehicles, etc." were substituted for the word "sites" by Bom. 19 of 1930, s. 17.

[6] This entry was inserted by Bom. 1 of 1916, s. 13 (*a*).

[7] Entries relating to sections 347B and 347C were inserted by Bom. 76 of 1948, s. 29.

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
Section 347C ...	Building originally constructed or authorised to be used for human habitation not to be altered without permission for the purpose of using it as a godown, etc.	Five hundred rupees.
Section 349 ...	Roofs and external walls of buildings not to be made of inflammable materials.	Ten rupees.
Sections 349A and 349B.	Provision as to height of buildings ...	One thousand rupees
Section 349C ...	Provisions as to height of frame buildings ...	One thousand rupees.
[1][Section 349D ...	Alteration and provision of staircase to allow of safe exit in event of fire.	One hundred rupees.]
Section 353 ...	Provisions for enforcement of provisions concerning buildings and works.	One thousand rupees.
Section 353A ...	Provisions as to completion certificates : permission to occupy or use.	Five hundred rupees.
Section 354 ...	Requisition to remove structures which are in ruins or likely to fall.	Five hundred rupees.
[2][Section 354AA, sub-section (7).	Erection or re-erection of any building in contravention of the declaration.	One thousand rupees.]
[3][Section 354RK, sub-section (8).	Construction or reconstruction of building within any re-development area without permission.	One thousand rupees.]
Section 356 ...	Regulations prescribed for licensed surveyors and plumbers.	Twenty rupees.
Section 357 ...	Licensed plumber not to demand or receive more than the prescribed fee.	Twenty rupees.
Section 358 ...	Licensed plumber to be bound to execute work properly.	Twenty rupees.
[4][Section 368, sub-sections (1), (2), (3) and (4).	Collection, removal and deposit of refuse and provision of receptacles.	Twenty rupees.]
Section 370 ...	Collection and removal of excrementicious and polluted matter to be provided for by occupiers in certain cases.	Twenty rupees.
Section 371 ...	Halakhor's duties in certain cases not to be discharged by private individuals without permission.	Ten rupees.
Section 372 ...	Provisions as to removal of refuse ...	Fifty rupees.
Section 375 ...	Requisition to cleanse and lime-wash building ...	Fifty rupees.
[5][Section 375A ...	Requisition to remove building materials, etc., from any premises.	Fifty rupees.]
Section 377 ...	Requisition to cleanse, etc., neglected premises ...	Fifty rupees.
[6][Section 377A, sub-sections (1) and (2).	Requisition to abate or to prevent recurrence of a leakage in the roofs of buildings.	Fifty rupees.]
Section 378, sub-section (2).	Provisions as to buildings unfit for human habitation ...	Five hundred rupees
Section 379 ...	Owner or occupier of a house, within seven days of receipt of notice, to give statement of accommodation.	Two hundred rupees.
Section 379A, sub-section (1).	Requisition by Presidency Magistrate to abate overcrowding.	Two hundred rupees.
Section 379A, sub-section (3).	Requisition by owner pursuant to order under sub-section (1).	Two hundred rupees.
Section 380 ...	Requisition to remove or alter insanitary huts ...	Fifty rupees.
Section 381 ...	Requisition to fill in pools, etc., which are a nuisance ...	[7][One hundred and fifty] rupees.

---

[1] This entry was inserted by Bom. 2 of 1911, s. 18 (a).
[2] This entry was inserted by Bom. 48 of 1950, s. 73.
[3] This entry was inserted by Bom. 34 of 1954, s. 27 (1).
[4] This entry was substituted for the original one by Bom. 1 of 1925, s. 26 (2).
[5] This entry was inserted by Bom. 1 of 1916, s. 13 (b).
[6] This entry was inserted by Bom. 1 of 1925, s. 26 (3).
[7] The words "one hundred and fifty" were substituted for the word "fifty" by Bom. 10 of 1928, s. 16 (2).

Section, sub-section or clause.	Subject.	Fine which may be imposed.
1	2	3
[1][Section 381A, sub-section (*1*).	Digging or constructing well, etc., without permission ...	[2][Two hundred and fifty] rupees.]
[1][Section 381A, sub-section (*2*).	Requisition to fill in or demolish well, etc. ...	[2][Two hundred and fifty] rupees.]
Section 382 ...	Requisition to discontinue dangerous quarrying ...	Five hundred rupees.
Section 383, sub-section (*1*).	Requisition to remove or trim trees, shrubs or hedges ...	Fifty rupees.
Section 384, sub-section (*1*).	Prohibitions as to the keeping of animals ...	Fifty rupees.
[3][Section 384A ...	Requisition to discontinue, etc., stabling animals or storing grain in dwelling house.	Fifty rupees.]
[4][Section 385, sub-section (*1*).	Prompt notice to be given to health department for removal of carcasses of dead animals.	Ten rupees.]
Section 388, clauses (*e*), (*f*) and (*g*).	Prohibition of bathing, etc., contrary to order or regulation.	Ten rupees
Section 390, sub-section (*1*).	Factory, etc., not to be newly established [5][or worked] without permission.	One thousand rupees.
[6][Section 390, sub-section (*3*).	Prohibition of continuous or resumption of working of factory, etc., after revocation of written permission for its establishment.	One thousand rupees.]
Section 392, sub-section (*1*).	Requisition for sanitary regulation of factories, [7]* * * etc.	Two hundred rupees.
Section 393, sub-section (*1*).	Prohibition of use of steam whistle, etc., without permission.	Fifty rupees.
[8][Section 394, sub-section (*1*).	Certain things not to be kept and certain trades and operations not to be carried on, without a licence.	Five hundred rupees.]
[8][Section 394, sub-section (*4*).	Licence to be kept on the premises ...	Twenty rupees.]
Section 395, sub-section (*1*).	Prohibition of corruption of water by chemicals, etc. ...	One thousand rupees.
Section 397, sub-section (*1*).	Regulation of washing of clothes by washermen ...	Twenty rupees.
Section 401, sub-section (*1*).	Prohibition of sale in municipal market without licence...	Fifty rupees.
Section 402 sub-section (*1*).	New private market not to be opened without sanction.	One thousand rupees.
Section 403, sub-section (*1*), clause (*a*).	Private market not to be kept [9][or permitted to be kept] open without licence.	[10][Five hundred rupees.]
[11] * *	* * * * * *	* *
Section 404 ...	Prohibition of sale in unauthorised private markets ...	Fifty rupees.
Section 405 ...	Requisition to pave and drain private market, buildings and slaughter-houses.	Two hundred rupees.
Section 406 ...	Regulations framed for markets and slaughter-houses ...	Fifty rupees

---

[1] These entries were inserted by Bom. 6 of 1913, s. 9 (*2*).

[2] The words "Two hundred and fifty" were substituted for the word "Fifty" by Bom. 10 of 1928, s. 16 (*3*).

[3] This entry was inserted by Bom. 1 of 1916, s. 13 (*c*).

[4] This entry was substituted for the original entry by Bom. 5 of 1920, s. 5.

[5] These words were inserted by Bom. 1 of 1916, s. 13 (*d*).

[6] This entry was inserted, *ibid*, s. 13 (*e*).

[7] The word "bakehouses" was repealed by Bom. 2 of 1911, s. 18 (*b*).

[8] These entries were substituted for the original entries, *ibid*, s. 18 (*c*).

[9] These words were inserted by Bom. 20 of 1952, s. 18 (*1*).

[10] These words were substituted for the words "fifty rupees" by Bom. 64 of 1953, s. 19 (*2*).

[11] The entry relating to section 403, sub-section (*1*), clauses (*b*) and (*c*) was deleted, *ibid*, s. 19 (*3*).

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
[1][Section 407A ..	Removal of cattle, sheep, goats or swine from any municipal slaughter-house, market or premises.	Fifty rupees.]
Section 408, sub-section (*2*).	Regulations and table of stallage-rents posted up in markets and slaughter-houses not to be destroyed or defaced.	Ten rupees.
Section 410, sub-section (*1*).	Prohibition of sale of animals, etc., except in a market ..	Fifty rupees.
[2][Section 411 ..	Butchers and persons who sell or supply flesh of animal to be licensed.	Five hundred rupees.]
[3]* *	* * * * * *	* *
[4][Section 412A ..	[5][Milk, butter, etc., not to be sold without a licence.] ..	One hundred rupees
[6]* *	* * * * * *	* *
Section 421 ..	Information to be given of existence of dangerous disease [7][or continuous pyrexia of unknown origin] by medical practitioners.	One hundred rupees.
Section 423, sub-section (*2*).	Prohibition of use for drinking of water likely to cause dangerous disease.	Two hundred rupees.
Section 424, sub-section (*2*).	Direction to remove patients to hospitals	One hundred rupees.
Section 425, sub-section (*1*).	Requisition to disinfect buildings	One hundred rupees.
[8][Section 426A, sub-section (*1*).	Second-hand clothing and bedding not to be brought into city without informing the Commissioner and getting them inspected.	Five hundred rupees.
Section 426A, sub-section (*4*).	Second-hand clothing and bedding brought into city not to be dealt with or disposed of until a certificate by the Commissioner has been given.	Five hundred rupees.
Section 427, sub-section (*2*).	Where a place for washing of infected articles has been appointed, such articles not to be washed at places not so appointed.	One hundred rupees.
Section 427, sub-section (*3*).	Direction to disinfect or destroy infected articles ..	One hundred rupees.
Section 428, sub-section (*1*).	Persons suffering from dangerous disease not to enter a public conveyance without notifying the same.	Fifty rupees.
Section 430 ..	Provisions as to carriage of persons suffering from dangerous disease in public conveyances.	Five hundred rupees.
Section 431 ..	Public conveyance which has carried a person suffering from dangerous disease to be disinfected.	Five hundred rupees.
Section 432, sub-section (*1*).	Infected articles not to be transmitted, etc., without previous disinfection.	Five hundred rupeess
Section 433, sub-section (*1*).	Infected building not to be let without being first disinfected.	Five hundred rupee
Section 435 ..	Places for the disposal of the dead to be registered ..	One hundred rupees.
Section 437 ..	New places for disposal of the dead not to be opened without pemission.	Five hundred rupees.
Section 440, sub-section (*1*).	Prohibition of burials within places of worship and exhumations without permission.	Five hundred rupees.
Section 441 ..	Acts prohibited in connection with the disposal of the dead.	One hundred rupees.

---

[1] This entry was inserted by Bom. 12 of 1936, s. 9.

[2] This entry was substituted for the original, by Bom. 64 of 1953, s. 19 (*4*).

[3] The entry relating to section 412, sub-section (*1*), was deleted, *ibid*, s. 19 (*5*).

[4] This entry was inserted by Bom. 6 of 1913, s. 9 (*3*).

[5] These words were substituted for the original words " dealers in and sellers of milk to be licensed " by Bom. 6 of 1916, s. 9.

[6] Entries relating to section 420 which were inserted by Bom. 4 of 1921, s. 4, were repealed by the Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932), which came into effect in Bombay City on 1st August 1935, *vide* Government Notification, General Department, No. 9518, dated 30th April 1935.

[7] These words were inserted by Bom. 20 of 1952, s. 18 (*3*).

[8] These entries were inserted by Bom. 76 of 1948, s. 29.

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
Section 446, sub-section (*1*).	Information of birth to be given within seven days ..	One hundred rupees.
Section 447 ..	Information respecting finding of new born child to be given.	One hundred rupees.
Section 449 ..	Information of death to be given at the time when the corpse of the deceased is disposed of.	One hundred rupees.
Section 450, sub-section (*1*).	Medical practitioner who attended a deceased person to certify the cause of his death.	One hundred rupees.
Section 457, sub-sections (*1*) and (*3*).	Obligation to fill up blank schedules and returns ..	Fifty rupees.
Section 458 ..	Occupier to amend returns, if found defective ..	Two hundred rupees.
Section 459 ..	Military, naval and police officers and certain others, if required, to act as enumerators.	One hundred rupees.
Section 469, sub-section (*1*).	Boards for exhibiting by-laws to be opened to inspection.	Fifty rupees.
Section 469, sub-section (*2*).	The same not to be injured.	Ten rupees.
Section 479, sub-section (*5*).	Grantee to be bound to produce licence or written permission.	Fifty rupees.
[1][Section 485A, sub-section (*2*).	Requisition to furnish information as to nature of interest in any premises.	Fifty rupees.]
Section 507, sub-section (*3*).	Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by Chief Judge of Small Cause Court	Two hundred rupees.

Continuing offences.

[2][**472.** Whoever, after having been convicted of—

(*a*) contravening any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table, or of any regulation made thereunder, or

(*b*) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

continues to contravene the said provision or to neglect to comply with the said requisition or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed "Subject" are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subject of the sections, sub-sections and clauses, the numbers of which are given in the first column.

Section, sub-section or clause. 1	Subject. 2	Daily fine which may be imposed. 3
Section 223, sub-section (*1*).	Buildings, etc., not to be erected without permission over drains.	Ten rupees.
Section 229 ..	Connections with municipal drains, etc., not to be made except in conformity with section 227 or 228.	Ten rupees.
[3][Section 229A, sub-section (*1*).	Buildings, etc., not to be erected without permission over any drains.	Ten rupees.]
[3][Section 230A...	Owner of land to allow others to carry drains through the land.	Five rupees.]

---

[1] This entry was inserted by Bom. 34 of 1954, s. 27 (*2*).

[2] Section 472 was substituted for the original section by Bom. 5 of 1905, s. 58.

[3] These entries were inserted by Bom. 8 of 1918, s. 19 (*a*).

Section, sub-section or clause. 1	Subject. 2	Daily fine which may be imposed. 3
Section 231 ..	Requisition to enforce drainage of undrained premises situate within a hundred feet of a municipal drain.	Five rupees.
Section 232 ..	Requisition to enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.	Five rupees.
Section 233, sub-section (*1*), clause (*b*).	Direction limiting use of drain or notice requiring the construction of a distinct drain.	Five rupees.
Section 233A, clause (*b*).	Drain for sole use of property to be maintained in good repair, etc., by owner or occupier of property.	Five rupees.
Section 236 ..	Owners of drains to allow use thereof or joint ownership therein to others.	Five rupees.
[1][Section 240 ..	Drains not to pass beneath buildings ..	Ten rupees.]
Section 243, sub-section (*2*).	Requisition to cover or ventilate drain or cesspool ..	Five rupees.
Section 248, sub-section (*1*).	Requisition to enforce provision of privy accommodation, etc.	Five rupees.
Section 249 ..	Requisition to provide privy accommodation for factories, etc.	Twenty rupees.
Section 249A ..	Requisition respecting unhealthy privies ..	Twenty rupees.
Section 250, sub-section (*1*).	Provisions as to privies ..	Five rupees.
Section 251 ..	Provisions as to water-closets ..	Five rupees.
Section 257 ..	Requisition to effect sanitary repairs, etc. ..	Five rupees.
[2][Section 258 ..	Prohibition of acts contravening the provisions of Chapter IX or done without sanction.	Ten rupees.]
Section 259A, sub-sections (*1*) and (*4*).	Provisions as to employment of licensed plumber and use of work.	Fifty rupees.
Section 259A, sub-sections (*2*) and (*3*).	Licensed plumber to give and sign certificate ..	Ten rupees.
Section 268, sub-section (*1*).	Buildings, etc., not to be erected over water main without permission.	Ten rupees.
[3][Section 270A ..	Premises not to be occupied without Commissioner's certificate in respect of adequate water supply.	Fifty rupees.
Section 271, sub-section (*2*).	Requisition to obtain private water supply and to provide supply and distributing pipes, etc.	Ten rupees.
Section 274 ..	Requisition to provide cisterns and fittings or means of access to any cistern.	Ten rupees.]
Section 297, sub-section (*3*).	Buildings not to be constructed within the regular line of street without permission.	One hundred rupees.
Section 305. ..	Requisition as to levelling and draining of private streets.	Ten rupees.
Section 312, sub-section (*1*).	Prohibition of structures or fixtures causing obstruction in streets.	Ten rupees.
Section 313, sub-section (*1*).	Prohibition of deposit, etc., of things in streets ..	Ten rupees.
[4][Section 313A ..	Prohibition of hawking or exposing for sale any article in a public place or street without a licence.	Five rupees.]
[5][Section 313B ..	Prohibition in a public place or street, of use of skill in handicraft or in rendering services without licence.	Five rupees.
Section 315 .	Requisition to remove structures or fixtures erected or set up before section 312 came into force.	Ten rupees.
Section 322, sub-section (*1*).	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	Fifty rupees.

---

[1] This entry was inserted by Bom. 8 of 1918, s. 19 (*b*).
[2] This entry was inserted, *ibid*, s. 19 (*c*).
[3] These entries were inserted by Bom. 64 of 1953, s. 20 (*1*).
[4] This entry was inserted by Bom. 19 of 1930, s. 18 (*a*).
[5] This entry was inserted by Bom. 5 of 1938, s. 42.

Section, sub-section or clause. 1	Subject. 2	Daily fine which may be imposed. 3
Section 323 ..	Precautions for public safety to be taken by persons to whom permission is granted under section 322.	Fifty rupees.
Section 324, sub-section (*1*).	Persons to whom permission is granted under section 322, must reinstate streets.	Ten rupees
Section 326 ..	Hoards to be set up during work on any building adjacent to a street.	Twenty rupees.
[1][Section 328, sub-section (*1*).	Sky-signs not be to erected or retained without permission.	Ten rupees.]
[1][Section 328A, sub-section (*1*).	Advertisements on certain [2][sites, vehicles, etc.] not to be exhibited without permission	Ten rupees.]
Section 329, sub-section (*1*).	Requisition to repair, protect or enclose dangerous place.	Five rupees.
Section 334, sub-section (*1*).	Requisition to alter situation of gas-pipes, etc. ..	Ten rupees.
Section 335, sub-section (*1*).	Buildings etc., not to be erected without permission over municipal gas-pipe.	Ten rupees.
Section 344A ..	Provision for supervision of buildings and works ..	One hundred rupees,
Section 347, sub-section (*1*).	Work not to be commenced without notice ..	One hundred rupees.
[3][Section 347A ..	Building not to be converted to other purposes without the permission of the Commissioner.	One hundred rupees.]
[4][Section 347B ..	Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown, etc., without permission.	One hundred rupees.
Section 347C ..	Building originally constructed or authorised to be used for human habitation not to be altered without permission for the purpose of using it as a godown, etc.	One hundred rupees.]
Section 349 ..	Roof and external walls of buildings not to be of inflammable material.	Five rupees.
Sections 349A and 349B.	Provisions as to height of buildings ..	One hundred rupees.
Section 349C ..	Provisions as to height of frame-buildings ..	One hundred rupees.
[5][Section 349D ..	Alteration and provision of straircases to allow of safe exit in event of fire.	Ten rupees.
Section 353A ..	Provisions as to completion certificates: permission to occupy or use	One hundred rupees.
Section 354 ..	Requisition to remove structures which are in ruins or likely to fall.	One hundred rupees.
[6][Section 354AA, sub-section (*7*).	Erection or re-erection of any building in contravention of the declaration.	One hundred rupees.]
[7][Section 354RK, sub-section (*8*).	Construction or reconstruction of building within any re-development area without permission.	One hundred rupees.]
[8][Section 358 ..	Licensed plumber to be bound to execute work properly.	Five rupees.]
[9][Section 368, sub-sections (*1*), (*2*). (*3*) and (*4*).	Collection, removal and deposit of refuse and provision of receptacles.	Ten rupees.]
Section 372 ..	Provisions as to removal of refuse	Ten rupees.
Section 375 ..	Requisition to cleanse and lime-wash building ..	Five rupees.
[10][Section 375A ..	Requisition to remove building materials, etc., from any premises.	Five rupees.]
Section 377 ..	Requisition to cleanse, etc., neglected premises ..	Five rupees.

---

[1] These entries were inserted by Bom. 7 of 1921, s. 12.

[2] The words "sites, vehicles, etc." were substituted for the word "sites" by Bom. 19 of 1930, s. 18 (*b*).

[3] This entry was inserted by Bom. 1 of 1916, s. 14 (*a*).

[4] These entries were inserted by Bom. 76 of 1948, s. 30.

[5] This entry was inserted by Bom. 2 of 1911, s. 19 (*a*).

[6] This entry was inserted by Bom. 48 of 1950, s. 74.

[7] This entry was inserted by Bom. 34 of 1954, s. 28 (*1*).

[8] This entry was inserted by Bom. 8 of 1918, s. 19 (*d*).

[9] This entry was added by Bom. 1 of 1923, s. 27 (*1*).

[10] This entry was inserted by Bom. 1 of 1916, s. 14 (*b*).

Section, sub-section or clause. 1	Subject. 2	Daily fine which may be imposed. 3
[1][Section 377A, sub-sections (*1*). and (*2*).	Requisition to abate or to prevent recurrences of leakage in the roofs of buildings.	Fifteen rupees.]
Section 379 ..	Owner or occupier of a house, within seven-days of receipt of notice to give statement of accommodation.	Twenty rupees.
Section 379A, sub-section (*1*).	Requisition by Presidency Magistrate to abate over-crowding.	Twenty rupees.
Section 379A, sub-section (*3*).	Requisition by owner pursuant to order under sub-section (*1*).	Twenty rupees.
Section 380 ..	Requisition to remove or alter insanitary hut ..	Five rupees.
Section 381 ..	Requisition to fill in pools, etc., which are a nuisance ..	[2][Fifteen] rupees.
[3][Section 381A, sub-section (*2*).	Requisition to fill in or demolish well, etc. ..	[4][Twenty] rupees.]
Section 382 ..	Requisition to discontinue dangerous quarrying ..	One hundred rupees.
Section 383, sub-section (*1*).	Requisition to remove or trim trees, shrubs or hedges ..	Five rupees.
Section 384, sub-section (*1*).	Prohibition as to the keeping of animals	Five rupees.
[5][Section 384A ..	Requisition to discontinue etc., stabling animals in dwelling house.	Twenty rupees.]
[5][Section 390, sub-section (*1*).	Prohibition of working of factory, etc., established without written permission.	Five hundred rupees.]
[5][Section 390, sub-section (*3*).	Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment.	Five hundred rupees.
Section 392, sub-section (*1*).	Requisition for sanitary regulation of factories, [6]*etc. ..	One hundred rupees.
[7][Section 394, sub-section (*1*).	Certain things not to be kept, and certain trades not to be carried on, without a licence.	Fifty rupees.]
[7][Section 394, sub-section (*4*).	Licence to be kept on the premises	Five rupees.]
Section 395, sub-section (*1*).	Prohibition of corruption of water by chemicals, etc., ..	Five hundred rupees.
Section 397, sub-section (*1*).	Regulation of washing of clothes by washermen ..	Five rupees.
Section 403, sub-section (*1*).	[8][Private markets not to be kept or permitted to be kept open and no place to be used or permitted to be used as slaughter house, without licence.]	Fifty rupees.
Section 405 ..	Requisition to pave and drain private market-buildings, and slaughter houses.	Fifty rupees.
Section 411 ..	Butchers and persons who sell [9][or supply] the flesh of animals to be licensed.	Ten rupees.
[10][Section 412A ..	[11][Milk, butter, etc., not to be sold without a licence.] ..	Five rupees.]
Section 425, sub-section (*1*).	Requisition to disinfect buildings	Ten rupees.

---

[1] This entry was inserted by Bom. 1 of 1925, s. 27 (*2*).

[2] The word "fifteen" was substituted for the word "five" by Bom. 10 of 1928, s. 17 (*1*).

[3] This entry was inserted by Bom. 6 of 1913, s. 10 (*a*).

[4] The word "Twenty" was substituted for the word "Five" by Bom. 10 of 1928, s. 17 (*2*).

[5] These entries were inserted by Bom. 1 of 1916, s. 14 (*c*).

[6] The word "bakehouse" was repealed by Bom. 2 of 1911, s. 19 (*b*).

[7] These entries were substituted for the original entries, *ibid*, s. 19 (c).

[8] These words were substituted for the words "Private markets not to be kept open without licence" by Bom. 20 of 1952, s. 19.

[9] These words were inserted by Bom. 64 of 1953, s. 20 (*2*).

[10] This entry was inserted by Bom. 6 of 1913, s. 10 (*2*).

[11] These words were substituted for the words "Dealers in and sellers of milk to be licensed" by Bom. 6 of 1916, s. 9.

Section, sub-section or clause. 1	Subject. 2	Daily fine which may be imposed. 3
[1][Section 426A, sub-section (*1*).	Second-hand clothing and bedding not to be brought into city without informing the Commissioner and getting them inspected.	One hundred rupees.]
[1][Section 426AA, sub-section (*4*).	Second-hand clothing and bedding brought into city not to be dealt with or disposed of until a certificate by the Commissioner has been given.	One hundred rupees.]
Section 479, sub-section (*5*).	Grantee to be bound to produce licence or written permission.	Ten rupees.
[2][Section 485A, sub-section (*2*).	Requisition to furnish information as to nature of interest in any premises.	Ten Rupees.]
Section 507, sub-section (*3*).	Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by Chief Judge of Small Cause Court.	Fifty rupees.

Offences punishable under the Penal Code.

473. Whoever contravenes any provision of any of the sections, sub-sections or clauses of this Act hereinbelow in this section mentioned or of any regulation made thereunder, and whoever fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the section of the Indian Penal Code hereinbelow in this section respectively specified as the section of the said Code under which such person shall be punishable, namely :— XLV of 1860.

Sections of this Act.	Sections of the Indian Penal Code under which offenders are punishable
[3][19 (*5*) and (*5A*)	176 or 177, as the case may be.]
28, clause (*j*)	177.
155, sub-sections (*1*) and (*2*), 187	176 or 177, as the case may be.
[4][158, sub-section (*3*)	177.]
388, clauses (*a*), (*b*), (*c*) and (*d*), 389	277.
434, sub-section (*1*)	188

Punishment for offences of preparing false election rolls or making false entries in ward lists.

[5][**473A.** Any officer or servant of the corporation who knowingly prepares or makes an entry in the list of persons qualified to be enrolled which is incorrect or false shall, on conviction, be punishable with imprisonment of either description which may extend to six months or with fine which may extend to Rs. 500.]

Punishment for acquiring share or interest in contract, etc., with the corporation.

474. Any councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the corporation, not being a share or interest such as, under section 16, it is permissible for a councillor to have, without being thereby disqualified for being a councillor, and any Commissioner, Deputy Commissioner, municipal officer or servant who knowingly acquires directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the corporation, not being a share or interest such as, under clauses (*h*) and (*k*) of section 16, it is permissible for a councillor to have, without being thereby disqualified for being a councillor, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code. XLV of 1860.

---

[1] These entries were inserted by Bom. 76 of 1948, s. 30.
[2] This entry was inserted by Bom. 34 of 1954, s. 28 (*2*).
[3] This entry was inserted by Bom. 13 of 1938, s. 30 (*2*).
[4] This entry was inserted by Bom. 76 of 1948, s. 31.
[5] This section was inserted by Bom. 13 of 1938, s. 30 (*3*).

475. (*1*) Whoever contravenes any provision of sub-section (*1*) of section 267 shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees or with both.

Punishment of offences against section 267.

(*2*) When any person is convicted under sub-section (*1*), the Magistrate who convicts him may order the immediate removal of any building or the immediate discontinuance of the operation or use of land, in respect of which such conviction has been held.

(*3*) If any order made under sub-section (*2*) is disobeyed or the execution thereof resisted, the offender shall be punished with, imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

476. Whoever contravenes any provision of section 391, whether the person so offending be the owner or occupier of the premises in which a furnace is situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend, on a first conviction, to one hundred rupees and, on a second or subsequent conviction, to a sum equal to double the amount to which it might have extended on the last preceding conviction.

Punishment of offences against section 391.

[1][**476A.** Whoever contravenes any provisions of clause (*b*) or (*c*) of sub-section (*1*) of section 403 shall, on conviction, be punished,—

Punishment for using or permitting to be used without licence any place in or without Greater Bombay as slaughter house.

(*a*) for a first offence, with fine which may extend to one thousand rupees;

(*b*) for a second and subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than one month and such fine shall not be less than two hundred rupees.]

[1][**476B.** Whoever contravenes any provisions of sub-section (*1*) of section 412 shall, on conviction, be punished,—

Punishment for importing cattle, etc., in Greater Bombay.

(*a*) for a first offence, with fine which may extend to rupees one hundred;

(*b*) for a second and subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than one month and such fine shall not be less than two hundred rupees.]

---

[1] Sections 476A and 476B were inserted by Bom. 64 of 1953, s. 21.

Extent of penal responsibility of agents and trustees of owners.

477. No person, who receives the rent of any premises in any capacity described in sub-clauses (*i*), (*ii*) and (*iii*) of clause (*m*) of section 3, shall be liable to any penalty under this Act for omitting to do and act as the owner of such premises if he shall prove that his default was caused by his not having funds of, or due to the owner sufficient to defray the cost of doing the act required.

Punishment of offences relating to town duties.

478. The law for the time being in force for the punishment of offences relating to the levy or payment of customs duties and the grant of drawbacks, in connection therewith and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of the levy, payment and refund of town-duties, and any omission or misdescription in passing for exports any goods in respect of which refund of town-duties may be claimable shall be punishable as if such omission or misdescription had been made in passing the said goods for import.

Penalty for obstructing General Manager in exercise of powers.

[1][**478A.** Any person who wilfully obstructs any person acting under the authority of the General Manager in the lawful exercise of his powers in setting out, making, laying down, repairing or renewing a tramway belonging to the Bombay Electric Supply and Transport Undertaking or injures or destroys any mark made for the purpose of setting out the line of the tramway shall for each such offence be punished with fine which may extend to fifty rupees.]

Penalty for interfering with tramways.

[1][**478B.** Any person who without lawful excuse, the proof whereof shall lie on him, wifully does any of the following things, namely :—

(*i*) interferes with, removes or alters any part of a tramway belonging to the Bombay Electric Supply and Transport Undertaking or of any work connected therewith ; or

(*ii*) does or causes to be done anything in such a manner as to obstruct any carriage using the tramway ; or

(*iii*) knowingly aids or assists in the doing of any such thing,

shall for each such offence be punished with fine which may extend to one hundred rupees in addition to any liability to which he may be subject by way of proceedings on a criminal charge or otherwise.]

CHAPTER XIX.

PROCEDURE.

Licences.

Licences and written permission to specify conditions, etc., on which they are granted.

479. (*1*) Whenever it is provided in this Act that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which, and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 68 to grant the same.

Fees to be chargeable.

(*2*) For every such licence or written permission a fee may be charged at such rate as shall from time to time be fixed by the Commissioner, with the sanction of the corporation.

Licences and written permissions may be revoked, etc.

(*3*) Subject to the provisions of [2][clauses (*d*) and (*dd*) of section 403, any licence or written permission granted under this Act may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act or of any regulation or by-law made hereunder in any matter to which such licence or permission relates.

---

[1] Sections 478A and 478B were inserted by Bom. 48 of 1948, s. 45.

[2] The words, letters and brackets " clauses (*d*) and (*dd*) " were substituted for the word, letter and brackets " clause (*d*) " by Bom. 32 of 1935, s. 14.

When licence or written permission is revoked, etc., grantee to be without a licence or written permission.

(4) When any such licence or written permission is suspended or revoked or when the period for which the same was granted has expired the person to whom the same was granted shall for all purposes of this Act, be deemed to be without a licence or written permission until the Commissioner's order for suspending or revoking the licence or written permission is cancelled by him or until the licence or written permission is renewed, as the case may be.

Grantees to be bound to produce licence or written permission.

(5) Every person to whom any such licence or written permission has been granted shall at all reasonable times while such written permission or licence remains in force, if so required by the Commissioner produce such licence or written permission.

Public Notice and Advertisements.

Public notices how to be made known.

480. Whenever it is provided by this Act that public notice shall or may be given of anything, such public notice shall be in writing under the signature of the Commissioner [1][or the General Manager] or of a municipal officer empowered under section [2][68 or 68B] to give the same and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of *bataki* or by advertisement in the local newspapers, or by any two or more of these means and by any other means that he shall think fit.

Advertisements how to be made.

481. Whenever it is provided by this Act that notice shall be given by advertisement in the local newspapers or that a notification or any information shall be published in the local newspapers such notice, notification or information shall be inserted if practicable, in at least two English newspapers, one Marathi newspaper and one Gujarati newspaper published in [3][Greater Bombay].

Consent, etc. of [4][Commissioner, General Manager, etc.] may be proved by written document under his signature.

482. Whenever under this Act the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of [4][the Commissioner or the General Manager] or of a Deputy Commissioner or any municipal officer, a written document signed by [4][the Commissioner or the General Manager] or by such Deputy Commissioner or municipal officer, purporting to convey or set forth his consent, approval, declaration, opinion or satisfaction shall be sufficient evidence of such consent, approval, declaration, opinion or satisfaction.

Service of notices, etc.

Notice, etc. by whom to be served or presented.

483. Notices, bills, schedules, summonses and other such documents required by this Act or by any regulation or by-law made under this Act to be served upon or issued, or presented or given to any person, shall be served, issued or presented or given by municipal officers or servants or by other person authorized by [4][the Commissioner or the General Manager] in this behalf.

Service how to be effected on owners of premises and other persons.

484. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by-law made under this Act, to be served upon or issued or presented to any person such service, issue or presentation shall except in the cases otherwise expressly provided for in section 485, be effected—

(a) by giving or tendering to such person the said notice, bill, schedule, summons or other document ; or

(b) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the [5][Greater Bombay] or by giving or tendering the same to some adult male member or servant of his family ; or

---

[1] These words were inserted by Bom. 48 of 1948, s. 46.

[2] These figures, word and letter were substituted for the figures " 68 ", *ibid.*

[3] These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6 (*1*).

[4] These words were substituted for the original by Bom. 48 of 1948, s. 47.

[5] These words were substituted for the words " City " by Bom. 9 of 1951, s. 3. Second Schedule.

(c) if such person does not reside in [1][Greater Bombay] and his address elsewhere is known to [2][the Commissioner or the General Manager], by forwarding the said notice, bill, schedule, summons or other document to him by post under cover bearing the said address ; or

(d) if none of the means aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

Service on "owner or occupier" of premises how to be effected.

485. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by-law made under this Act, to be served upon or issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section but as follows, namely :—

(a) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land ; or

(b) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some adult male member or servant of the family of the owner or occupier or of any one of the owners or occupiers ; or

(c) if none of the means aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed in some conspicuous part of the building or land to which the same relates.

Power of Commissioner to call for information as to ownership of premises.

[3][**485A.** (1) To enable him to serve any notice (including any copy of any notice) which he is authorised or required to serve, the Commissioner may require the owner or occupier of any premises, or of any portion thereof to state in writing, within such reasonable period as the Commissioner may prescribe in this behalf, the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise.

(2) Any person required by the Commissioner in pursuance of sub-section (1) to give the Commissioner any information shall be bound to comply with the same, and to give true information to the best of his knowledge and belief.]

The [4][four] last sections inapplicable to Magistrate's summonses.

486. Nothing in the [4][four] last preceding sections applies to any summons issued under this Act by a Magistrate.

---

[1] These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6 (1).

[2] These words were substituted for the original by Bom. 48 of 1948, s. 47.

[3] Section 485A was inserted by Bom. 34 of 1954, s. 29.

[4] This word was substituted for the word " three " *ibid.*, s. 30.

Service of bills for taxes by post.

[1][**486A.** Notwithstanding anything contained in sections 483, 484 and 485, [2][(*a*)] a bill for any municipal tax may be served upon the person liable therefor by sending it by ordinary post with a pre-paid letter under a certificate of posting, addressed to such person at his last known abode or place of business in Greater Bombay, and every bill so sent shall be deemed to have been served on the day following the day upon which such letter was posted and, in proving such service, it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting];

[3][(*b*) a notice of demand may be served by registered post].

Signature on notices, etc., may be stamped.

487. (*1*) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or by any regulation or by-law framed under this Act to bear the signature of the Commissioner [4][or the General Manager] or of any municipal officer shall be deemed to be properly signed if it bears a fascimile of the signature of the Commissioner [4][or the General Manager] or of such municipal officer, as the case may be, stamped thereupon.

(*2*) Nothing in this section shall be deemed to apply to a cheque drawn upon the municipal fund under section 113 [5][or upon the Bombay Electric Supply and Transport Fund under section 460BB, or sub-section (*3*) of section 460 KK, or sub-section (*4*) of section 460LL].

Power of entry.

Commissioner, etc., may enter any premises for purposes of inspection, survey or execution of necessary work.

488. The Commissioner [6][or General Manager] may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or survey or to execute any work which is authorised by this Act or by any regulation or by-law framed under this Act to be made or executed, or which it is necessary for any of the purposes, or in pursuance of any of the provisions of this Act or of any such regulation or by-law, to make or execute :

Provided that—

(*a*) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise ;

(*b*) except when it is in this Act otherwise expressly provided, no building which is used as a human dwelling shall be so entered unless with the consent of the occupier thereof, without giving the said occupier not less than twenty-four hours' previous written notice of the intention to make such entry, and unless for any sufficient reason it shall be deemed inexpedient to furnish such information, of the purpose thereof ;

(*c*) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed.

(*d*) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

---

[1] Section 486A was inserted by Bom. 20 of 1952, s. 20.
[2] These brackets and letter were inserted by Bom. 64 of 1953, s. 22.
[3] This clause was inserted, *ibid.*
[4] These words were inserted by Bom. 48 of 1948, s. 48.
[5] This portion was added, *ibid*, s. 48.
[6] These words were inserted, *ibid*, s. 49.

[1][*Power of eviction.*

Commissioner may evict persons summarily in certain cases.

488A. (*1*) Where the Commissioner is required by section 354RE, 378C or 378F to cause any building or part thereof to be vacated, he may take or cause to be taken such steps and use or cause to be used such force as may in the opinion of the Commissioner be reasonably necessary therefor.

(*2*) The Commissioner may, after giving 15 clear days' notice to the persons evicted under sub-section (*1*), remove or cause to be removed or dispose of by public auction any property remaining in such building.

(*3*) Where property is sold under sub-section (*2*) the sale proceeds shall, after deducting the expenses of sale, be paid to such person or persons as may appear to the Commissioner to be entitled to the same.]

Enforcement of orders to execute works, etc.

Works, etc., which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost.

489. (*1*) When any requisition or order is made, by written notice, by the Commissioner or by any municipal officer empowered under section 68 in this behalf, under any section, sub-section or clause of this Act mentioned in sub-section (*2*), a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and if, within the period so prescribed, such requisition or order or any portion of such requisition or order is not complied with the Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion, be necessary for giving due effect to the requisition or order so made ; and, unless it is in this Act otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

[2][(*2*) The sections, sub-sections and clauses of this Act referred to in sub-section (*1*) are the following, namely :—

Section 230, sub-section (*5*).
„ 231.
„ 232
„ 233, clause (*b*).
„ 233A „ (*b*).
„ 243, sub-section (*2*).
„ 248, „ (*1*).
„ 249A.
„ 257.
„ 271, sub-section (*2*).
[3][„ 272, „ (*5*).
„ 274, sub-sections (*1*) and (*1A*).
„ 274A, sub-sections (*1*) and (*2*).]
„ 278.
„ 305.
„ 308, sub-section (*2*).
„ 309, „ (*1*).
„ 311.
„ 315.
„ 325.
„ 326, sub-section (*3*).
[4][„ 327, „ (*1*), clause (*d*).]
[5][„ 328, „ (*3*).]
[6][„ 327A. „ (*3*).]

Section 329, sub-section (*1*).
„ 334, „ (*1*).
„ 338, „ (*2*).
„ 349, „ (*2*).
„ 352,
„ 353.
„ 354.
[6][„ 368, sub-sections (*1*), (*2*), (*3*) and (*4*).]
„ 375.
[7][„ 375A.]
„ 376.
„ 377.
[7][„ 377A.]
„ 380.
„ 381.
[8][„ 381A, sub-section (*2*).]
„ 382.
„ 383, sub-section (*1*).
„ 392, „ (*1*).
„ 405,
[8][„ 425, sub-section (*1*).]

---

[1] This heading and Section 488A were inserted by Bom. 34 of 1954, s. 31.

[2] Sub-section (2) of section 489 was substituted for the original sub-section by Bom. 5 of 1905, s. 59.

[3] These entries were inserted by Bom. 5 of 1938, s. 43.

[4] This entry was inserted by Bom. 2 of 1911, s. 20.

[5] This entry was inserted by Bom. 7 of 1921, s. 13,

[6] This entry was substituted for the original one by Bom. 1 of 1925, s. 28 (*1*).

[7] These entries were added, *ibid*, s. 28 (*2*).

[8] This entry was inserted by Bom. 6 of 1913, s. 11.

(*3*) The Commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment for such failure.

Recovery of expenses of removals by the Commissioner under sections 314, 315, 354 and 380.

490. (*1*) The expenses incurred by the Commissioner in effecting any removal under section 314 [1][or sub-section (*3*) of section 322] or, in the event of a written notice issued under sub-section (*1*) of section 315 or section 354 or 380 not being complied with, under section 489, shall be recoverable by sale of the materials, removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials.

(*2*) But, if the expenses of removal are in any case paid before the materials are sold, the Commissioner shall restore the materials to the owner thereof, on his claiming the same at any time before they are sold or otherwise disposed of, and on his paying all other expenses, if any, incurred by the Commissioner in respect thereof or in respect of the intended sale or disposal thereof.

(*3*) If the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the Commissioner thinks fit [2][if perishable forthwith, and if other than perishable,] as soon as conveniently may be after one month from the date of their removal, whether the expenses of the removal have in the meantime been paid or not and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and, if necessary, of the removal, be paid to the credit of the municipal fund, and shall be the property of the corporation.

Recovery of expenses by the Commissioner [3][*and the General Manager*].

Expenses recoverable under this Act to be payable on demand; and if not paid on demand may be recovered as an arrear of property-tax.

491. (*1*) Whenever under this Act, or any regulation or by-law made under this Act, the expenses of any work executed or of any measure taken or thing done by or under the order of the Commissioner [4][or the General Manager] or of any municipal officer empowered under section [5][68 or 68B] in this behalf are payable by any person, the same shall be payable on demand.

(*2*) If not paid on demand the said expenses shall be recoverable by the Commissioner [4][or the General Manager] subject to the provisions of sub-section (*2*) of section 503, by distress and sale of the goods and chattels of the defaulter, as if the amount thereof were a property-tax due by the said defaulter.

If the defaulter is the owner of premises in respect of which expenses are payable, the occupier to be also liable for payment thereof.

492. (*1*) If the said expenses are due in respect of some work executed or thing done to, upon or in connection with, some building or land or of some measure taken with respect to some building or land [6][or in respect of some work executed or thing done or measure taken for giving effect to any requisition or order made under sub-section (*1-A*) of section 377] and the defaulter is the owner of such building or land [7][or of the premises referred to in sub-section (*1-A*) of section 377, as the case may be,] the amount thereof may be demanded from any person who at any time, before the said expenses have been paid, occupies the said [1][building, land or premises] under the said owner; and in the event of the said person failing to pay the same, they may be recovered, by distress and sale of the goods and chattels of the said person, as if the amount thereof were a property-tax due by him:

---

[1] These figures, brackets and words were inserted by Bom. 6 of 1913, s. 12.
[2] These words were inserted by Bom. 19 of 1930, s. 19.
[3] These words were added by Bom. 48 of 1948, s. 50.
[4] These words were inserted, *ibid.*
[5] This was substituted for the figures "68", *ibid.*
[6] This portion was inserted by Bom. 5 of 1938, s. 44 (*1*) (*a*)
[7] This portion was substituted, *ibid.*, s. 44 (*1*) (*b*).

(2) Provided as follows, namely—

(*a*) unless the said person neglects or refuses, at the request of the Commissioner [2][or the General Manager], truly to disclose the amount of the rent payable by him in respect of the said [1][building, land or premises] and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any large sum than, up to the time of demand, is payable by him to the owner on account of rent of the said [1][building, land or premises]; but it shall rest upon the said person to prove that the amount of the expenses demanded of him is in excess of the sum payable by him to the owner;

(*b*) the said person shall be entitled to credit in account with the owner for any sum paid by or recovered from him on account of the said expenses;

(*c*) nothing in this section shall affect any agreement made between the said person and the owner of the [3][building, land or premises] in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

Commissioner [4][or General Manager] may agree to receive payment of expenses in instalments.

493. Instead of recovering any such expenses as aforesaid in any manner hereinbefore provided, the Commissioner [5][or the General Manager may, if he thinks fit and with the approval of the standing committee or the Bombay Electric Supply and Transport Committee, as the case may be,] take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon [6][at such rate not exceeding nine per centum per annum as the standing committee may fix from time to time,] within a period of not more than five years.

What expenses may be declared to be improvement expenses.

494. If the expenses to be recovered have been incurred in respect of any work mentioned in any of the sections 227, clause (*c*), 230, 231 233, clause (*b*), 248, sub-section (*1*), 257, 272, 274, sub-section (*1*), 305, 352, sub-section (*1*), 376, 381 and 405, the Commissioner may, if he thinks fit and with the approval of the corporation, declare such expenses to be improvement expenses [7][and on such declaration being made, such expenses, together with interest thereon payable under section 495, shall be a charge on the premises in respect of which or for the benefit of which the expenses have been incurred.]

Improvement expenses by whom payable.

495. (*1*) Improvement expenses [8]* * * * * * * * * shall be recoverable in instalment of such amount not being less for any premises than twelve rupees per annum, and at such intervals as will suffice to discharge such expenses, together with interest thereon at the rate of six per centum per annum within such period not exceeding thirty years as the Commissioner, with the approval of the corporation, may in each case determine.

---

[1] These words were substituted by Bom. 5 of 1938, s. 44 (*1*) (c) and (*2*).

[2] These words were inserted by Bom. 48 of 1948, s. 51.

[3] These words were substituted by Bom. 5 of 1938, s. 44 (*2*).

[4] These words were inserted by Bom. 48 of 1948, s. 52.

[5] These words were substituted for the original, *ibid.*

[6] These words were substituted for the original by Bom. 76 of 1948, s. 32.

[7] This portion was added, *ibid.*, s. 33.

[8] The words were deleted, *ibid.*, s. 34.

(2) The said instalments shall be payable by the occupier of the premises [1][on which the expenses and interest thereon] are so charged or, in the event of the said premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses or before the same, with interest as aforesaid, are fully paid off, by the owner for the timebeing of the said premises, so long as the same continue to be unoccupied.

Proportion of improvement expenses may be deducted from rent.

496. (1) Where the occupier by whom any improvement expenses [2][together with interest thereon] are paid holds the premises on which the expenses [2][together with interest thereon] are charged, at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses [2][and interest thereon as aforesaid] from the rent payable by him to his landlord, and, if he holds at a rent less than the rack-rent, he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the amount paid by him on account of such expenses [2][and interest thereon as aforesaid] as his rent bears to the rack-rent.

(2) And if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof:

(3) Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of charge for improvement expenses.

497. At any time before the expiration of the period for the payment of any improvement expenses [3][together with interest thereon] the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses [4][and such interest due, if any, as may not have been already paid or recovered.]

Recovery of instalments due under sections 493 and 495.

498. Any instalment payable under section 493 or section 495, which is not paid when the same becomes due, may be recovered by the Commissioner [5][or the General Manager] by distress and sale of the goods and chattels of the person by whom it is due as if it were a property-tax due by the said person.

In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

499. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act or under any regulation or by-law made under this Act, the occupier, if any, of such building or land may, with the approval of the Commissioner, excute the said work, and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may deduct the amount thereof from the rent which from time to time becomes due by him to the owner.

Limitation of liability of agent or trustee of owner.

500. No person who receives the rent of any premises in any capacity described in sub-clauses (*i*), (*ii*) and (*iii*) of clause (*m*) of section 3 shall be liable to do anything which is by this Act required to be done by the owner, unless he have sufficient funds of or due to the owner to pay for the same.

---

[1] These words were substituted for the original by Bom. 76 of 1948, s. 34.
[2] These words were inserted, *ibid*, s. 35.
[3] These words were inserted, *ibid.*, s. 36.
[4] These words were substituted for the original, *ibid.*
[5] These words were inserted by Bom. 48 of 1948, s. 53.

Payment of compensation.

Compensation for damages may be paid by the Commissioner [1][or General Manager.]

501. In any case not otherwise expressly provided for in this Act, the Commissioner [2][or the General Manager may, with the previous approval of the standing committee or the Bombay Electric Supply and Transport Committee, as the case may be,] pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act in the Commissioner [3][or the General Manager] or in any municipal officer or servant.

Compensation to be paid by offenders against this Act for any damage caused by them.

502. (*1*) If, on account of any act or omission any person has been convicted of an offence against this Act or against any regulation or by-law made under this Act, and, by reason of the same act or omission of the said person, damage has occurred to any property of the corporation, compensation shall be paid by the said person for the said damage notwithstanding any punishment to which he may have been sentenced for the said offence.

(*2*) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

Recovery of expenses or compensation in case of dispute.

In cases falling under section 491, disputes to be determined by the Chief Judge of the Small Cause Court.

[4]**503.** (*1*) If, when the Commissioner [5][or the General Manager] demands payment of any expenses under section 491, his right to demand the same or the amount of the demand is disputed, or if, in the case of expenses incurred by the Commissioner in taking temporary measures under sub-section (*2*) of section 329, the necessity for such temporary measures is disputed, the Commissioner [5][or the General Manager, as the case may be], shall refer the case for the determination of the Chief Judge of the Small Cause Court.

(*2*) Pending the Chief Judge's decision the Commissioner [5][or the General Manager, as the case may be,] shall defer further proceedings for the recovery of the sum claimed by him and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby ascertained to be due.

Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Small Cause Court.

[4]**504.** If, in any case not falling under sction 491, any person is required by this Act, or by any regulation or by-law framed under this Act, to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined, except as is otherwise provided in sections 502 and 515, by the Chief Judge of the Small Cause Court on application being made to him for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

Expenses or compensation awarded by Chief Judge of the Small Cause Court to be recovered, if necessary, as if they were due under a decree of the Court.

505. If the amount of any expenses or compensation ascertained in accordance with the last preceding section is not paid by the person liable to pay the same on demand, it shall be recoverable as if the same were due under a decree of the Small Cause Court.

---

[1] These words were added Bom. 48 of 1948, s. 54.

[2] These words were substituted for the original, *ibid.*

[3] These words were inserted, *ibid.*

[4] As to appeal to High Court from decision under s. 503 or s. 504, see Act 12 of 1888, s. 3. As to period of limitation for such appeals, *see ibid.*, s. 5.

[5] These words were inserted by Bom. 48 of 1948, s. 55

Persons liable for expenses or compensation may be sued for recovery thereof.

506. Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of competent jurisdiction.

Proceedings before the Chief Judge of the Small Cause Court.

Remedy of owner of building or land against occupier who prevents his complying with any provisions of this Act.

507. *(1)* If the owner of any building or land is prevented by the occupier thereof from complying with any provision of this Act or of any regulation or by-law made under this Act or with any requisition made under this Act or under any such regulation or by-law in respect of such building or land, the owner may apply to the Chief Judge of the Small Cause Court.

(2) The said Chief Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for complying with the said provision or requisition and may also, if he thinks fit, direct that the cost of such application and order be paid by the occupier.

(3) After eight days from the date of any such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid as shall be prescribed in the said order; and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

Power to summon witnesses and compel production of documents.

508. *(1)* For the purposes of any inquiry or proceeding under this Act, the Chief Judge of the Small Cause Court may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of the Small Cause Court by the Presidency Small Cause Courts Act, 1882, XV of 1882 and in all matters relating to any such inquiry or proceeding the said Chief Judge shall be guided generally by the provisions of the said Act so far as the same are applicable.

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Chief Judge may hear and determine the case in his absence.

(3) The costs of every such inquiry or proceeding as determined by the said Chief Judge, shall be payable by such parties and in such proportions as the said Chief Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Small Cause Court.

[1]Provided that if such inquiry or proceeding relates to a dispute regarding expenses declared to be improvement expenses under section 494, the amount of the costs directed by the said Chief Judge to be paid by the owner or occupier of the premises in respect of which or for the benefit of which the improvement expenses were incurred shall be a charge on such premises and may also be recovered in the manner prescribed in section 495.]

---

[1] This proviso was added by Bom. 32 of 1935, s. 15.

Fees in proceedings before the Chief Judge of the Small Cause Court.

509. (*1*) The [1][Provincial Government] may, from time to time by notification in the [2][*Official Gazette*], prescribe what fee, if any, shall be paid—

(*a*) on any application, appeal or reference made under this Act to the Chief Judge of the Small Cause Court; and

(*b*) previous to the issue, in any inquiry or proceeding of the said Chief Judge under this Act, of any summons or other process:

Provided that the fees, if any, prescribed under clause (*a*) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fees at the time being levied, under the provisions of the Presidency Small Cause Courts Act, 1882, in cases in which the value of the claim or subject-matter is of like amount. XV of 1882.

(*2*) The [1][Provincial Government] may from time to time by a like notification determine by what person any fee prescribed under clause (*a*) shall be payable.

(*3*) No application, appeal or reference shall be received by the said Chief Judge, until the fee, if any, prescribed therefor under clause (*a*) has been paid.

Exemption of poor persons from fees.

510. The Chief Judge of the Small Cause Court may, whenever he thinks fit, receive an application, appeal or reference made under this Act, by or on behalf of a poor person, and may issue process on behalf of any such person without payment or on a part payment of the fees prescribed under section 509.

Repayment of half fees on settlement before hearing.

511. Whenever any application, appeal or reference made to the Chief Judge of the Small Cause Court under this Act is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Chief Judge to the parties by whom the same have been respectively paid.

Authority to the Chief Judge of the Small Cause Court to delegate certain powers and to make rules.

512. The Chief Judge of the Small Cause Court may—

(*a*) delegate, either generally or specially to any other Judge of the said Court, power to receive applications, appeals and references under this Act, and to discharge any other duty in connection with such applications, appeals and references, except the hearing and adjudication thereof;

(*b*) if for any reason, it shall be necessary so to do in order to secure the disposal of any application made to him under section 20 within the limited period prescribed in the said section, delegate to any other Judge of the said Court the hearing and adjudication of the said application;

(*c*) from time to time, with the approval of [3][the Provincial Government], make rules, not inconsistent with this Act, providing for any matter connected with the exercise of the jurisdiction conferred upon him by this Act which is not herein specifically provided for.

Proceedings before Magistrates.

Cognizance of offences.

513. All offences against this Act, or against any regulation or by-law made under this Act, whether committed within or without the city, shall be cognizable by a Presidency Magistrate; and no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal tax or of his being benefited by the municipal fund. [4]* * *

---

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[4] The words "to credit of which any fine inflicted by him will be payable" were omitted, *ibid.*

Appointment of Presidency Magistrates

[1][**513A.** (*1*) [2][The [3][State] Government] may with the consent of the corporation create one or more posts of Presidency Magistrates for the trial of offences against this Act, or against any regulation or by-law made thereunder, and may appoint any person to such post and may also appoint such ministerial officers for the Court of any such Magistrate as they may think necessary:

V of 1898.

Provided that notwithstanding the appointment of one or more Presidency Magistiates under this section it shall be open to the Chief Presidency Magistiate, subject to the rules for the time being in force under section 21 of the Code of Criminal Procedure, 1898, regulating the distribution of business in the Courts of the Presidency Magistrates, to make such distribution of the work of trial of such offences and of all other work before the Courts of the Presidency Magistrates (including any appointed under this section) as may appear to him most conducive to efficiency.

(*2*) Such Magistrate or Magistrates and their establishments shall be paid such salary, pension, leave allowances and other allowances as may, from time to time, be fixed by [2][the [3][State] Government.]

(*3*) The amounts of the salary, pension, leave allowances and other allowances as fixed under sub-section (*2*), together with all other incidental charges shall be reimbursed to [2][the [3][State] Government] by the corporation. [4]* * *

Provided that [2][the [3][State] Government] may, with the concurrence of the corporation, direct that in lieu of the amounts payable under this section, the corporation shall pay to [2][the [3][State] Government] annually, on such date as may be fixed by [2][the [3][State] Government] in this behalf, such sum based on the average of the total amounts recovered by [2][the [3][State] Government] from the corporation under this section during the three years immediately preceding the date of such direction as may be determined by [2][the [3][State] Government] in this behalf.]

Limitation of time within which complaints of offences punishable under this Act shall be entertained.

[5][**514.** No person shall be liable to punishment for any offence made punishable by this Act, unless complaint of such offence is made before a Presidency Magistrate within the time hereinafter prescribed in that behalf, namely :--

(*a*) if the offence be against the provisions of section 155, within six months next after the commission of such offence;

(*b*) if the offence be against the provisions of sections [6][223, 229A, 240, 258,] 272 (*1*), [7][272 (*5*), 274 (*1*), 274 (*1A*)], 281, 284 [7][287B (*1*), 287B (*1*), 287B (*2*),] [8]* * * or 390, [7][or any bye-laws framed under section 461 (*b*),] within three months next after the commission or discovery of such offence;

(*c*) if the offence be against any other provision of this Act, within three months next after the commission of such offence].

---

[1] New section 513A was inserted by Bom. 10 of 1930, s. 4.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[4] The words, figure and brackets "and shall be a first charge on and be primarily payable from the fines levied and recovered in respect of the offences referred to in sub-section (*1*), and the balance of the fines, if any, shall be credited to the municipal fund" were omitted by the Adaptation of Indian Laws Order in Council.

[5] This section was substituted for the original section by Bom. 2 of 1911, s. 21.

[6] These figures and letter were inserted by Bom. 8 of 1918, s. 20.

[7] These figures, letters and brackets were inserted by Bom. 5 of 1938, s. 46.

[8] The figures and brackets repealed by Bom. 5 of 1920, s. 6, are omitted.

Complaint concerning nuisances.

[1] **515.** (*1*) Any person who resides in [2][Greater Bombay] may complain to a Presidency Magistrate of the existence of any nuisance, or that in the exercise of any power conferred by section 224, 244, 245, 246 or 367, more than the least practicable nuisance has been created.

(*2*) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, direct the Commissioner—

(*a*) to put in force any of the provisions of this Act or to take such measures as to such Magistrate shall seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance;

(*b*) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(*3*) It shall be incumbent on the Commissioner to obey every such order.

(*4*) Nothing in this Act contained shall interfere with the right of any person who may suffer injury or whose property may be injuriously affected by any act done in the exercise of any power conferred by section 224, 244, 245, 246 or 367 to recover damages for the same.

Arrest of offenders.

Offenders against this Act may in certain cases be arrested by police officers.

516. (*1*) Any police officer may arrest any person who commits in his view any offence against this Act or against any regulation or by-law made under this Act, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

[3][(*2*) No person so arrested shall be detained in custody after his true name and address are ascertained or without the order of the nearest Magistrate, for a longer period than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such Magistrate.]

Offence under section 403 (*1*) (*b*) or (*c*) to be cognizable.

[4][**516A.** The offence under clause (*b*) or (*c*) of sub-section (*1*) of section 403 shall be cognizable.]

Legal proceedings.

Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

517. (*1*) The Commissioner may—

(*a*) take, or withdraw from, proceedings against any person who is charged with—

(*i*) any offence against this Act;

(*ii*) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act;

(*iii*) committing any nuisance whatsoever;

(*b*) compound any offence against this Act, which under the law at the time in force may legally be compounded;

(*c*) defend any election petition brought under section 33;

(*d*) defend, admit or compromise any appeal against a rateable value or tax brought under section 217;

(*e*) take, withdraw from, or compromise, proceedings, under sections 502, sub-section (*2*), 503, 504 and 505, for the recovery of expenses or compensation claimed to be due to the corporation;

---

[1] As to appeal to High Court from orders under s. 515, *see* Act 12 of 1888, s. 4. As to period of limitation for such appeals, *ibid.*, s. 5.

[2] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*).

[3] This sub-section was substituted for the original by the Adaptation of Laws Order, 1950.

[4] Section 516A was inserted by Bom. 64 of 1953, s. 23.

(*f*) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or, with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees ;

(*g*) defend any suit or other legal proceeding brought against the corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant in respect of anything done or omitted to be done by them, respectively, in their official capacity ;

(*h*) with the approval of the standing committee, admit or compromise any claim, suit or legal proceeding brought against the corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant, in respect of anything done or omitted to be done as aforesaid ;

(*j*) with the like approval, institute and prosecute any suit or withdraw from or compromise any suit or any claim, other than a claim of the description specified in clause (*f*), which has been instituted or made in the name of the corporation or of the Commissioner ;

(*k*) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain or as he may be desired by the corporation or the standing committee to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or servant.

(*2*) Provided that the Commissioner shall not defend any suit or legal proceedig under clause (*g*) without first of all taking legal advice with regard thereto, and shall institute and prosecute any suit which the corporation shall determine to have instituted and prosecuted.

[1][(*3*) In relation to legal proceedings arising out of the acquisition, extension, administration, operation and maintenance of the Bombay Electric Supply and Transport Undertaking (excepting proceedings, if any, arising out of the acquisition made with effect from the 7th August 1947 of the said undertaking from the Bombay Electric Supply and Tramways Company, Limited), the provisions of sub-sections (*1*) and (*2*) shall apply as if for the words " the Commissioner " the words " the General Manager " and for the words " standing committee " the words " Bombay Electric Supply and Transport Committee " had respectively been substituted.]

[2][(*4*) In regard to legal proceedings arising out of the corporation's powers and duties under clause (*q*) of section 61, the provisions of sub-section (*1*) shall apply as if for the words 'standing committee' the words 'Education Committee' had been substituted.]

CHAPTER XX.

CONTROL.

Power to [5][State] Government to provide for

518. (*1*) If, upon complaint being made to [3][it] and after such inquiry as [3][it] thinks fit to make, it shall at any time appear to the [4][[5][State] Government] that any of the provisions of sections 61, 62 [6][62C, 62D, [7][62E,] 89F,] 134, 225, performance of duties in default of any municipal authority.

---

[1] This sub-section was added by Bom. 48 of 1948, s. 56.

[2] Sub-section (*4*) was added by Bom. 48 of 1950, s. 75.

[3] The word " it " was substituted for the words " him " and " he " by the Adaptation of Indian Laws Order in Council.

[4] The words " Provincial Government " were substituted for the words " Governor in Council " *ibid.*

[5] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[6] These figures and letters were inserted by Bom. 3 of 1907, s. 21.

[7] The figures and letter " 62E " were inserted by Bom. 12 of 1925, s. 4.

[1][381, 381A,] 434, [2][438 and 513A] have not been or are not being duly carried out or enforced, the [3][[4][State] Government] may make an order prescribing a period within which such provision shall be carried out or enforced.

(*2*) Provided that, except in any case which appears to the [3][[4][State] Government] to be one of emergency, no such order shall be made until after the expiry of one month from the date of service of a written notice on the corporation, and if the [3][[4][State] Government] shall think fit, on the Commissioner, requiring cause to be shown why such order should not be made, nor until the cause, if any so shown has been considered by the [3][[4][State] Government].

(*3*) If, within the period prescribed in an order made under sub-section (*1*) the provision is not carried out or enforced, the [3][[4][State] Government] may appoint some person to carry out or enforce the same and may direct that the expense of carrying out or enforcing such provision together with such reasonable remuneration to the person carrying out or enforcing the same as the [3][[4][State] Government] shall determine and the cost of the proceedings under this section shall be paid out of the municipal fund.

Power to [4][State] Government to enforce repair, etc., of Vehar water works.

519. (*1*) If, from the report of any person appointed by [5][the [4][State] Government] under section 264 to inspect the Vehar water-works, it shall appear to [5][the [4][State] Government] that any portion of the said water-works is not in a sound and effective condition, [5][the [4][State] Government] may, by notice under the signature of a Secretary to [5][the [4][State] Government], require that the said portion of the said works be repaired, improved or otherwise rendered sound and effective, within a reasonable time to be prescribed in the notice.

(*2*) The said notice shall be addressed to the corporation and to the Commissioner and it shall be incumbent on the corporation and on the Commissioner, within the limits of their respective powers, to give effect thereto. If effect be not given thereto [5][the [4][State] Government] may cause the required work to be done and may direct that the expenses thereof shall be paid by the Commissioner.

Expenses of measures enforced under sections 518 and 519 how to be recovered.

520. (*1*) When any such order as is mentioned in sub-section (*3*) of section 518 or in sub-section (*2*) of section 519 shall have been made, the corporation shall cause to be paid to [5][the [4][State] Government] the sum or sums of money of which payment shall from time to time be required, in pursuance of the said order, in any requisition signed by a Secretary to [5][the [4][State] Government].

(*2*) And if, within fourteen days from the delivery of any such requisition, the same is not complied with, [5][the [4][State] Government] may, by a written order signed by one of their Secretaries, authorise and direct some person to receive from the bank in which the municipal fund is lodged the sum or sums mentioned in the said order.

(*3*) The said bank shall, upon production of the said written order, forthwith pay the said sum or sums to the person therein authorized to receive the same and the said written order shall be a sufficient discharge to the said bank from all liability to the corporation in respect of any sum or sums so paid by it out of the municipal fund.

---

[1] These figures and letter were inserted by Bom. 5 of 1938, s. 46.

[2] These figures, word and letter were substituted for the original word and figures " and 438 " by Bom. 10 of 1930, s. 5.

[3] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

[5] The words " the Provincial Government " were substituted for the word " Government " *ibid.*

CHAPTER XXI.

SUPPLEMENTAL PROVISIONS.

Councillors, etc., to be deemed to be public servants.

521. The Commissioner and Deputy Commissioner, [1][General Manager] and every councillor and every municipal officer or servant appointed under this Act [2][and every person appointed to make a valuation under sub-section (*1*) of section 218B], and every contractor or agent for the collection of any municipal tax and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Co-operation of Police.

522. (*1*) The Police Commissioner shall, as far as may be, co-operate, by him self and through his subordinates, with the Commissioner [3][and the General Manager] for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in [4][Greater Bombay].

(*2*) It shall be the duty of every police officer in [4][Greater Bombay] to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any regulation or by-law made under this Act, and to assist the [5][Commissioner, the General Manager] or any municipal officer or servant, reasonably demanding his aid for the lawful exercise of any power vesting in the [5][Commissioner, the General Manager] or in such municipal officer or servant under this Act.

Assistance for the recovery of rent on land in the suburbs.

[6][**522A.** For the purpose of the recovery of any amount due on account of rent from any person to the corporation in respect of any land in the suburbs vested in or otherwse held by the corporation, the corporation shall be deemed to be a superior holder and every such person an inferior holder of such land, within the meaning of sections 86 and 87 of the Bombay Land Revenue Code, 1879; and the corporation as superior holder shall be entitled, for the recovery of such amount, to all the assistance to which under the said sections a superior holder is entitled for the recovery of rent of land revenue payable to him by an inferior holder.]

V of 1879.

Computation of time.

523. (*1*) In computing any limited time before or from or after any date or event which is appointed or allowed by or under this Act for the doing of any act or the taking of any proceeding, such time shall be taken as exclusive of the day of that date or of the happening of that event and as ending or commencing, as the case may be, at the end of the last peceding day, or the beginning of the next following day.

(*2*) Where the limited time is to be computed from or after any date or event, the act or proceeding shall be done or taken at the latest on the last day of the limited time computed as aforesaid, unless the last day is a Sunday or a public holiday or unless, in the case or a proceeding to be taken before the Chief Judge of the Small Cause Court, the said Court is closed on such last day, in which events any act or proceeding shall be deemed to be done or taken in due time if it is done or taken on the next day after such Sunday, or after the close of such public holiday or on the first day when such Court re-opens, as the case may be.

---

[1] These words were inserted by Bom. 48 of 1948, s. 57.

[2] These words and figures were inserted by Bom. 76 of 1948, s. 37.

[3] These words were inserted by Bom. 48 of 1948, s. 58.

[4] These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (*1*

[5] These words were substituted for the original by Bom. 48 of 1948, s. 58.

[6] Section 522A was inserted by Bom. 7 of 1950, s. 32.

(*3*) Where by this Act any act or proceeding is directed or allowed to be done or taken on a certain day and such day happens to be a Sunday or a public holiday, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day after such Sunday or after the close of such public holiday.

Measurement of distances.

524. The distances mentioned in this Act shall be measured in a straight line of a horizontal plane.

Informalities and errors in assessments, etc., not to be deemed to invalidate such assessment, etc.

525. (*1*) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, schedule, summons or other document issued under this Act, or under any regulation or by-law *[1][or rule] made under this Act, may at any time, as far as possible, be rectified.

(*2*) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill, schedule, summons or other document invalid or illegal, if the provisions of this Act and of the regulations *[2][by-laws and rules] made hereunder have in substance and effect been complied with; but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Power to [3][State] Government to call for extracts from proceedings, etc.

526. The [3][[4][State] Government] may at any time call upon the corporation to furnish [5][it] with any extract from any proceedings of the corporation, of standing committee or of any committee constituted under this Act or from any record under the control of the corporation and with any statistics concerning or connected with the administration of this Act; and the corporation shall furnish the same without unreasonable delay.

Protection of persons acting under this Act against suits.

527. (*1*) No suit shall be instituted against the corporation or against [6][the Commissioner, the General Manager] or a Deputy Commissioner, or against any municipal officer or servant, in respect of any act done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act—

(*a*) until the expiration of one month next after notice in writing has been, in the case of the corporation, left at the chief municipal office and, in the case of [6][the Commissioner, the General Manager] or of a Deputy Municipal Commissioner or of a municipal officer or servant delivered to him or left at his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney or agent, if any, for the purpose of such suit; nor*

---

[1] These words were inserted by Bom. 48 of 1950, s. 76 (*1*).

[2] These words were substituted for the words "and by-laws", *ibid*, s. 76 (*2*).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] The word "it" was substituted for the word "him" by the Adaptation of Indian Laws Order in Council.

[6] These words were substituted for the original by Bom. 48 of 1948, s. 59.

* Section 80 of Bom. 48 of 1950 reads as follows :—

Amendments made by sections 64, 65, 67, 68 and 76 to have retrospective effect.

80. (*1*) The amendments made by sections 64, 65 and 67 shall be deemed to have been made on and to have effect from the 15th day of August 1947.

(*2*) The amendments made by sections 68 and 76 shall be deemed to have been made on and to have effect from the 14th day of March 1944 and any order made or action taken under the said Act before the commencement of this Act shall be deemed to have been made or taken under the said Act as amended by this Act, and no prosecution, suit or other proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of any such order or action, as the case may be.

(*b*) unless it is commenced within six months next after the accrual of the cause of action.

(*2*) At the trial of any such suit—

(*c*) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid;

(*d*) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(*3*) Where the defendant in any such suit is a municipal officer or servant, payment of the sum or of any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the [1][previous] sanction of the standing committee [2][or the Bombay Electric Supply and Transport Committee, from the municipal fund or the Bombay Electric Supply and Transport Fund, as the case may be].

Savings in respect of certain provisions of Bombay Land Revenue Code, 1879.

[3][527A. Notwithstanding the provisions of sections 48, 65 66 and 67 of the Bombay Land Revenue Code, 1879—

Bom. V of 1879.

(*1*) the use of any land in the suburbs for any purpose to which it may lawfully be put under the provisions this Act shall not be prohibited in exercise of the powers conferred by or under the said Code;

(*2*) it shall be sufficient for any occupant of land in the suburbs assessed or held for the purpose of agriculture to show to the satisfaction of the Collector that he has complied with all the requirements of this Act and the bye-laws made thereunder to entitle such occupant to permission under section 65 of the said Code subject to the condition of the payment of altered assessment and fine, if any, for the use of the holding or part thereof for any purpose unconnected with agriculture.]

Effect of the transitory provisions in Schedule R.

528. The provisions contained in Schedule R for regulating the constitution of the corporation and other matters until this Act is brought fully into operation shall be of the same effect as if they were enacted in the body of this Act.

---

[1] The word "previous" was inserted by Bom. 19 of 1930, s. 20.
[2] These words were substituted for the original by Bom. 48 of 1948, s. 59.
[3] Section 527A was inserted by Bom. 7 of 1950, s. 33.
* This word was substituted for the word "or" as the latter was a misprint.

SCHEDULE A.

(See *section 2.*)

ENACTMENTS REPEALED.

No. and year of Act.	Title or Subject.	Extent of Repeal.
	Act of the Governor General in Council.	
XLVIII of 1860	An Act to amend Act XIII of 1856	Section 17, as amended by Bombay Act IV of 1882 and clause (16) of section 19.
	Acts of the Governor of Bombay.	
VI of 1863	An Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay.	In section 7, the words "by the Commissioner of Police to the credit of the Municipal Commissioners of Bombay and".
III of 1870	An Act to secure the payment to Government of certain sums of money by the corporation of the Justices of the Peace for the City of Bombay.	The whole.
III of 1872	The Bombay Municipal Act of 1872	The whole.
IV of 1878	The Bombay Municipal Act Amendment and Continuance Act, 1878.	The whole.
VI of 1878	An Act to remove doubts as to the time when certain portions of the Bombay Municipal Act Amendment and Continuance Act, 1878, were intended to come into force.	The whole.
II of 1880	The Bombay Municipality's Consolidated Loan Act, 1880.	The whole.
II of 1881	An Act to confirm the jurisdiction of Presidency Magistrates in municipal cases.	The whole.
VI of 1882	An Act to amend the Bombay Municipal Acts of 1872 and 1878.	The whole.
II of 1885	An Act to empower the Municipal Corporation of the City of Bombay to subscribe to the Guarantee Funds of the Bombay International Exhibition, and for other purposes.	So much as has not already been repealed.
III of 1885	An Act to provide for the occasional appointment of a Deputy Municipal Commissioner for the City of Bombay.	The whole.
I of 1886	An Act to remove certain doubts in the construction of section 9B of the Bombay Municipal Acts of 1872 and 1878.	The whole.
II or 1888	An Act to enable the Municipal Corporation of the City of Bombay to raise increased revenue from town-duties.	The whole.

[1]SCHEDULE B.

(See *section 24.*)

Division of the city into wards.

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the corporation to be elected for each ward.
1	Colaba ...	A line starting from Colaba Point extending along the Harbour up to its junction with Ormiston Road, thence along the South side of Ormiston Road to its junction with Wodehouse Road, thence along the East side of Wodehouse Road up to its junction with Cuffe Parade, thence along Cuffe Parade and Cuffe Parade Extension, thence Westwards along the North side of Block VI up to the Sea Wall, thence Southwards along the Sea Wall to Colaba Point.	3
2	Fort ...	A line starting from the junction of Ormiston Road and the Harbour, thence along the Harbour upto its junction with Ballard Road, thence along the South side of Ballard Road and Ballard Pier, thence along the West, South, East and North of Mole Station, thence along the West side of Wittet Road up to its junction with Sprott Road, thence along the East side of Sprott Road up to its junction with Currimbhoy Road, thence along the South side of Currimbhoy Road and Kumpta Street, thence Southwards along the East side of Frere Road to its junction with Agiary Lane, thence along the South side of Agiary Lane up to its junction with Bora Bazar Street, thence Northward along the West side of Bora Bazar Street to its junction with Maruti Lane, thence along the South side of Maruti Lane up to its junction with Raghunath Dadaji Street, thence Northwards along the West side of Raghunath Dadaji Street to its junction with Hornby Road, thence across Hornby Road to its junction with Home Street, thence along South side of Home Street, thence Southwards along the East side of Waudby Road crossing Mahatma Gandhi Road, thence along the East side of Mayo Road to its junction with Churchgate Street, thence Westwards along the South side of Churchgate Street to its junction with Marine Drive, thence Southwards along the West side of Marine Drive up to its junction with South side of Block No. 2, thence along the South side of Block No. 2, thence along the West side of the Swimming Baths thence along the Back Bay to its junction with Wodehouse Road, thence along the West side of Wodehouse Road to its junction with Ormiston Road, thence Eastwards along the North side of Ormiston Road to the starting point, viz., junction of Ormiston Road and the Harbour.	2
3	Bori Bunder ...	A line starting from the Harbour to the North of the Mole Station running along the East side of the Harbour up to the North Wharf of Carnac Basin, thence along the aforesaid Wharf, thence along the South side of Carnac Road and 1st Marine Street,	3

---

[1] This schedule was substituted for the original by Bom. 8 of 1948, s. 4.

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the corporation to be elected for each ward.
		continuing thence in a straight line to the Marine Drive, thence along the West side of Marine Drive up to its junction with Churchgate Street, thence Eastwards along the North side of Churchgate Street to its junction with Mayo Road, thence Northwards along the West side of Mayo Road crossing Mahatma Gandhi Road, thence along the West side of Waudby Road to its junction with Home Street, thence along the North side of Home Street, thence Southwards along the East side of Hornby Road and the East side of Raghunath Dadaji Street to its junction with Maruti Lane, thence along the North side of Maruti Lane, thence Southwards along the East side of Bora Bazar Street up to its junction with Agiary Lane, thence along the North side of Agiary Lane, thence Northwards along the West side of Frere Road to its junction with Kumpta Street, thence along the North side of Kumpta Street and Currimbhoy Road, thence Northwards along the West side of Sprott Road, thence Southwards along the East side of Wittet Road to its junction with Ballard Road, thence Eastwards along the North side of the Mole Station to the starting point, viz., the Harbour to the North of the Mole Station. (N.B.—The Mosque in the middle of the Road at 1st Marine Street is included in this Ward.)	
4	Mandvi	... A line starting from the Harbour at the North side of Carnac Basin along the East side of the Harbour up to the North Wharf of Victoria Docks, thence Westwards along the South side of the B. P. T. Railway Siding running South of A and B Sheds of Prince's Dock, thence along the South side of Musjid Siding Road and 1st Chinch Bunder Road up to its junction with Samuel Street; thence Southwards along the East side of Samuel Street to its junction with Musjid Bunder Road, thence Westwards along the South side of Musjid Bunder Road to its junction with Abdul Rehman Street, thence Southwards along the East side of Abdul Rehman Street to its junction with Carnac Road, thence extending Eastwards along the North side of Carnac Road, thence in a straight line to the North Wharf of Carnac Basin to the Harbour, viz. to the starting point.	
5	Dongri	... A line starting from the junction of Abdul Rehman Street and Musjid Bunder Road extending Eastwards along the North side of Musjid Bunder Road to its junction with Samuel Street, thence Northwards extending along the West side of Samuel Street to its junction with Sandhurst Road, and then Westward extending along the South side of Sandhurst Road to its junction with Sir Ibrahim Rahimtulla Road, thence Southwards along the East side of Sir Ibrahim Rahimtulla Road, thence along the East side of Abdul Rehman Street to the starting point, viz., the junction of Musjid Bunder Road and Abdul Rehman Street.	

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the corporation to be elected for each ward.
6	Umarkhadi	A line starting from the Harbour at the North Wharf of Victoria Docks running Northwards along the Harbour up to the South Wharf of Clerk Basin, thence Westwards to Wadi Bunder Road, thence along the South side of Wadi Bunder Road and East side of Mazgaon Road, South side of Babula Tank Road, thence along the East side of Sir Ibrahim Rahimtulla Road to its junction with Sandhurst Road, thence Eastwards along the North side of Sardhurst Road to its junction with Samuel Street, thence Southwards along the East side of Samuel Street to its junction with 1st Chinch Bunder Road, thence Eastwards along the Northside of 1st Chinch Bunder Road, Musjid Siding Road, thence along the B. P. T. Railway Siding running South of A and B Sheds of Princess Dock to Sea, viz., to the starting point.	
7	Khara Talao	A line starting from the junction of Sir Ibrahim Rahimtulla Road and Babula Tank Road, extending Westwards along the South side of Grant Road to its junction with Duncan Road, thence Southwards along the East side of Duncan Road and Kika Street up to its junction with Banian Road, thence along the North side of Banian Road to its junction with Bapu Khote Street, thence Southwards along the East side of Bapu Khote Street to its junction with Sir Lorahim Rahimtulla Road and thence along the West side of Sir Ibrahim Rahimtulla Road to the Starting point, viz., junction of Sir Ibrahim Rahimtulla Road and Babula Tank Road.	
8	Kumbharwada	A line starting from the junction of Duncan Road and Grant Road running Westwards along the South side of Grant Road up to its junction with Trimbak Parsharam Street, thence along the East side of Trimbak Parsharam Street and Ardeshir Dady Street, thence along the North-East side of Vithalbhai Patel Road to its junction with Thakurdwar Road and Bhuleshwar Street, thence along the East side of Bhuleshwar Street, to its junction with 3rd Bhoiwada, thence along the North-side of 3rd Bhoiwada to its junction with Kika Street and thence Northwards along the West side of Kika Street and Duncan Road to the starting point, viz., junction of Duncan Road and Grant Road.	
9	Markets	A line starting from the junction of Carnac Road and Abdul Rehman Street extending along the West side of Abdul Rehman Street, crossing Pydhoni, thence along the West side of Bapu Khote Street to its junction with Banian Road, thence Westwards along the South side of Banian Road and 3rd Bhoiwada to its junction with Bhuleshwar Street, thence Southwards along the East side of Bhuleshwar Street and Kalbadevi Road to its junction with Carnac Road and thence running Eastwards along the North side of Carnac Road to the starting point, viz., junction of Carnac Road and Abdul Rehman Street.	3

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the corporation to be elected for each ward.
10	Dhobi Talao ...	A line starting from the junction of Cruickshank and Carnac Roads running Northwards along the West side of Kalbadevi Road up to its junction with Dadyseth Agiary Street, thence along the South side of Dadyseth Agiari Street to its junction with Girgaum Road, thence Southwards along the East side of Girgaum Road to its junction with Sonapur Street, thence Westwards along the South side of Sonapur Street up to the point where it turns Southwards, thence Westwards in a straight line to meet the Back Bay Sea Wall, thence Southwards along the Sea Wall to its junction with the Road in continuation of 1st Marine Street towards the Sea, thence along the North side of the aforesaid road crossing the B. B. & C. I. Railway Lines and thence along the North side of 1st Marine Street to the starting point, viz., junction of Cruickshank Road and Carnac Roads.	3
11	Fanaswadi ...	A line starting from the junction of Thakurdwar Road and Bhuleshwar Street running Westwards along the South side of Thakurdwar Road extending in a straight line to meet the Back Bay Sea Wall, thence Southwards along the Sea Wall to a point where the extension of Sonapur Street meets the Sea Wall, thence running Eastwards along the North side of the aforesaid extension, thence along the North side of Sonapur Street to its junction with Girgaum Road, thence running Northwards along West side of Girgaum Road to its junction with Dadyseth Agiary Street, thence along the North side of Dadyseth Agiary Street to its junction with Kalbadevi Road and thence Northwards along the West side of Kalbadevi Road and Bhuleshwar Street to the starting point, viz., junction of Bhuleshwar Street and Thakurdwar Road.	2
12	Girgaum ...	A line starting from the junction of Bhuleshwar, Thakurdwar and Vithalbhai Patel Roads running along the West side of Vithalbhai Patel Road to its junction with Charni Road, thence running Southwards along the East side of Charni Road, thence in a straight line to the Back Bay Sea Wall, thence along the Sea Wall to a point lying on the extension of the Road to the South of the Government Printing Press, thence running Eastwards along the North side of the aforesaid Road crossing the B. B. & C. I. Railway Lines and Queen's Road to Thakurdwar Road, thence along the North side of Thakurdwar Road to the starting point, viz., junction of Bhuleshwar, Thakurdwar and Vithalbhai Patel Roads.	3
13	Khetwadi ...	A line starting from the junction of Vithalbhai Patel Road and Ardeshir Dady Street running Northwards along the West side of Ardeshir Dady and Trimbak Parsharam Streets, thence Westwards along the South side of Grant Road to its junction with Lamington Road South, thence running Southwards along the East side of Lamington Road South to its junction	3

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the corporation to be elected for each ward.
		with Vithalbhai Patel Road, thence running Eastwards along the North side of Vithalbhai Patel Road to the starting point, viz., junction of Vithalbhai Patel Road and Ardeshir Dady Street.	
14	Walkeshwar	... A line starting from the junction of Lamington Road South and Grant Road running Southwards along the West side of Lamington Road up to its junction with Vithalbhai Patel Road, thence Eastwards along the South side of Vithalbhai Patel Road up to its junction with Charni Road, thence Southwards along the West side of Charni Road, thence crossing Queen's Road, B. B. & C. I. Railway Lines and Charni Road Garden in a straight line to meet the Sea Wall, thence Northwards along the Seashore up to Malabar Point, thence Northwards along the Seashore to its junction with Warden Road opposite to the Oomar Park, thence Eastwards along the South side of Warden and Gowalia Tank Roads to the Municipal Fire Brigade Station, thence crossing the Nana's Chowk along the South side of Frere Bridge to the starting point, viz., junction of Lamington Road South and Grant Road.	4
15	Mahalaxmi	... A line starting from the junction of Frere Bridge (Grant Road) and Tardeo Road running Northwards along the West side of Tardeo Road to its junction with Bellasis Bridge, thence Eastwards along the North side of Bellasis Bridge to its junction with the B. B. & C. I. Railway Lines, thence running Northwards along the Western boundary of the Railway Lines to its junction with Clerk Road, thence Westwards along the South side of Clerk Road to meet the Sea at Hornby Vellard, thence along the Seashore up to Warden Road, opposite the Oomar Park at the North East corner of C. C. No. 594, thence running Eastwards along the North side of Warden and Gowalia Tank Roads to the starting point, viz., junction of Frere Bridge (Grant Road) and Tardeo Road.	3
16	Tardeo	... A line starting from the junction of Grant Road and Khurshedji Sukhlaji Street running Northwards along the West side of Khurshedji Sukhlaji Street to its junction with Bellasis Road, thence Westwards along the South side of Bellasis Road, Bellasis Bridge to the Tardeo Tram Terminus, thence Southwards along the East side of Tardeo Road to the Nana's Chowk, thence Eastwards along the North side of Frere Bridge and Grant Road to the starting point, viz., junction of Grant Road and Khurshedji Sukhlaji Street.	4
17	Kamathipura	... A line starting from the junction of Khurshedji Sukhlaji Street and Grant Road running Eastwards along the North side of Grant Road to its junction with Duncan Road, thence Northwards along the West side of Duncan Road to its junction with Bellasis Road, thence Westwards along the South side of Bellasis Road to its junction with Khurshedji Sukhlaji Street,	3

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the Corporation to be elected for each ward.
		thence Southwards along the East side of Khurshedji Sukhlaji Street to the starting point, viz., junction of Khurshedji Sukhlaji Street and Grant Road.	
18	Nagpada	A line starting from the junction of Duncan Road and Grant Road running Eastwards along the North side of Grant Road, Babula Tank Road and along the West side of Mazgaon Road up to its junction with Wadi Bunder Road, thence along the North side of Wadi Bunder Road up to its junction with Reay Road, thence Northwards along the West side of Reay Road up to its junction with Dockyard Road, thence Westwards along the South side of Dockyard Road and Nesbit Road, thence crossing Victoria Gardens Road to Shepherd Road, thence along the South side of Shepherd Road to Clare Road, thence Southwards along the East side of Clare Road, thence along the East side of Duncan Road, to the starting point, viz., junction of Duncan Road and Grant Road.	5
19	Mazgaon	A line starting from the junction of Reay Road and Wadi Bunder Road running Eastwards and joining the South Wharf of Clerk Basin, thence Northwards along the Harbour up to the South side of Coal Bunder, thence Westwards along the South side of Victoria Road to its junction with Victoria Gardens Road, thence Southwards along the East side of Victoria Gardens Road crossing Byculla Bridge to its junction with Nesbit Road, thence along the North side of Nesbit Road and Dockyard Road up to its junction with Reay Road, thence Southwards along the East side of Reay Road to the starging point, viz., junction of Reay Road and Wadi Bunder Road.	3
20	Byculla (West)	A line starting from the junction of Nesbit Road and Victoria Gardens Road and Shepherd Road running Northwards along the West side of Victoria Gardens Road up to Byculla Bridge (New site of the Parsi statue), thence along the West side of Haines Road up to the South side of Jacob Circle, thence Westwards round the South side of Jacob Circle to Clerk Road, thence along the South side of Clerk Road crossing the B. B. & C. I. Railway Lines, thence Southwards along the West boundary of the B. B. & C. I. Railway Yard to the Bellasis Bridge, thence Eastwards along the North side of Bellasis Bridge and Bellasis Road to its junction with Clare Road, thence Northwards along the Western side of Clare Road upto its junction with Shepherd Road, thence Eastwards along the North side of Shepherd Road to the starting point, viz., junction of Nesbit Road, Victoria Gardens Road and Shepherd Road.	5
21	Byculla (East)	A line starting from the East toe of the South approach of the Byculla Bridge running Northwards along the West of Byculla Bridge, Victoria Gardens Road and Parel Road to its junction with Kalachowki Road, thence Westwards along the South side of Kalachowki Road to the G. I. P. Railway Lines, thence cutting across Chinchpokli Railway Station to the dead end of	3

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the Corporation to be elected for each ward.
		Arthur Road, thence along the East side of Arthur Road and Jacob Circle, thence Southwards along the East side of Haines Road to the starting point, viz., East toe of the South approach of Byculla Bridge.	
22	Ghorupdeo ...	A line starting from the junction of Victoria Gardens Road and Victoria Road running Eastwards along the North side of Victoria Road to the South Wharf of Coal Bunder, thence Northwards along the Harbour to the South Wharf of Brick Bunder, thence along the aforesaid Wharf up to the Signal Hill Avenue, thence along the West side of Signal Hill Avenue and along the South side of the new Eighty Feet Road and the South of N to B Sheds in the Cotton Green up to Cotton Avenue, thence along the West side of Cotton Avenue up to 1st Avenue thence along the South side of 1st Avenue to Reay Road, thence Northwards along the West side of Reay Road to Kalachowki Road, thence Westwards along the South side of Kalachowki Road to its junction with Parel Road, thence Southwards along the East side of Parel Road and Victoria Gardens Road to the starting point, viz., junction of Victoria Gardens Road and Victoria Road.	2
23	Sewri ...	A line starting from the junction of Reay Road and 1st Avenue Road extending Northwards along the East side of Reay Road and Parel Tank Road and a portion of Bhoiwada Road up to its junction with Jerbai Wadia Road, thence Eastwards along the South side of the Jerbai Wadia Road, thence in a straight line to Khadkal Creek, thence Southwards along the Harbour to the South of Brick Bunder, thence Westwards up to its junction with Signal Hill Avenue and thence along the East side of Signal Hill Avenue and alongside of the New Eighty Feet Road North of N to B Sheds in the Cotton Green up to its junction with Cotton Avenue, thence Northwards along the East side of Cotton Avenue up to its junction with 1st Avenue and thence Westwards along the North side of 1st Avenue up to the starting point, viz., junction of Reay Road and 1st Avenue.	2
24	Lalbaug ...	A line starting from the junction of Reay Road, Kalachowki Road and Sewri Road running Westwards along the North side of Kalachowki Road up to its junction with the G. I. P. Railway Lines, thence running Northwards along the East side of the G. I. P. Railway Lines up to its junction with Currey Road, thence running Eastwards along the South side of Currey Road and Jijibhai Lane, thence Northwards along the East side of Parel Government Gate Road to its junction with Parel Back Road, thence Eastwards along the south side of Parel Back Road to its junction with Parel Tank Road, thence Southwards along the West side of Parel Tank Road, to its junction with Sewri Road, Kalachowki Road and Reay Road.	3
25	Parel ...	A line starting from the junction of the G. I. P. Railway Lines and Currey Road running Northwards along the East side of the G. I. P. Railway Lines up	2

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the Corporation to be elected for each ward.
		to its junction with Elphinstone Road, thence extending Eastwards along the South side of Elphinstone Road, and Jerbai Wadia Road up to its junction with Bhoiwada Road, thence Southwards along the West side of Bhoiwada Road and Parel Tank Road up to its junction with Parel Back Road, thence Westwards along the North side of Parel Back Road, thence Southwards along the West side of Parel Government Gate Road up to its junction with Jijibhai Lane, thence Westwards along the North side of Jijibhai Lane and Currey Road to the starting point, viz., junction of the G. I. P. Railway Lines and Currey Road.	
26	Naigaum ...	A line starting from the junction of Elphinstone Road and the G. I. P. Railway Lines running eastwards along the North side of Elphinstone Road, Jerbai Wadia Road extending in a straight line to Khadkal Creek, thence Northwards along the Coast Line upto Goleh Creek, thence along the South side of Goleh Creek up to its junction with the Road to the East of Madhli Antop, thence Southwards along the East and South side of the aforesaid Road, thence along the South side of the Road running to the South of the Madhli Antop Hill, thence Westwards along the South-side of Antop Hill Road to its junction with Katrak Road, Lady Jehangir Road and Matunga Road, thence Southwards along the East side of Katrak Road to its junction with Naigaum Cross Road, thence Westwards along the South side of Naigaum Cross Road up to its junction with the G. I. P. Railway Lines, thence Southwards along the East side of the G. I. P. Railway Lines to the starting point, viz., junction of G. I. P. Railway Lines and Elphinstone Road.	4
27	Matunga ...	A line starting from the junction of the G. I. P. Railway Lines and Naigaum Cross Road running Eastwards along the North side of Naigaum Cross Road up to its junction with Katrak Road, thence Northwards along the West side of Katrak Road upto its junction with Lady Jehangir Road and Matunga Road, thence Northwards along the West side of Matunga Road up to its junction with the Road to the North Side of the Khalsa College, thence Westwards along the South side of the Road North of the Khalsa College, thence along South side of the Road South of the King's Circle and Bhandarkar Road up to its junction with the G. I. P. Railway Lines, thence Southwards along the East side of G. I. P. Railway Lines to the starting point, viz., junction of the G. I. P. Railway Lines and Naigaum Cross Road.	2
28	Sion ...	A line starting from the junction of the G. I. P. Railway Lines and Bhandarkar Road running Northwards to the East of the G I. P. Railway Lines up to Bombay City Limit (to the middle of Duncan Causeway), thence Eastwards along the Northern limit of Bombay, thence Southwards along the Sea up to its junction with Goleh Creek, thence along the Northside of Goleh Creek up to its junction with the Road to the East of Madhli Antop, thence Southwards along the	2

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the Corporation to be elected for each ward.
		West and North side of the aforesaid Road, thence along the North side of the Road running to the South of Madhli Antop Hill, thence Westwards along the Northside of Antop Hill Road to its junction with Katrak, Lady Jehangir and Matunga Roads, thence Northwards along the East side of Matunga Road to its junction with the Road to the North side of the Khalsa College, thence Westwards along the North side of the Road North of the Khalsa College, thence along the Northside of the Road to the South of the King's Circle and North side of Bhandarkar Road to the starting point, viz., junction of the G. I. P. Railway Lines and Bhandarkar Road.	
29	Love Grove ...	A line starting from the junction of the G. I. P. Railway Lines and South side of Kalachowki Road running Northwards along the East side of the G. I. P. Railway Lines upto its junction with Currey Road, thence Westwards along the South side of Currey Road, thence Northwards along the West side of DeLisle Road, upto its junction with Fergusson Road, thence Westwards along the South side of Fergusson Road, thence Northwards along the West side of Dr. Annie Besant Road upto its junction with Road No. 10, thence along the South side of Road No. 10 to the Sea, thence Southwards along the Sea Coast including Haji Ali Tomb to its junction with Hornby Vellard and Clerk Road, thence Eastward along the North side of Clerk Road, Jacob Circle and Arthur Road to its Dead End near Chinchpokli Station, thence cutting Chinchpokli Station to the starting point, viz., junction of G. I. P. Railway Lines and Kalachowki Road.	4
30	Lower Parel ...	A line starting from the junction of Currey Road and the G. I. P. Railway Lines running Northwards along the East side of the G. I. P. Ralway Lines upto its junction with Elphinstone Road, thence Westwards along the South side of Elphinstone Road, New Parbhadevi Road to its junction with Cadell Road, thence Southwards along the East side of Cadell Road upto its junction with the Drainage Channel now *partly* covered over, thence Southwards along the East side of the Drainage Channel now *partly* covered over upto its junction with Fergusson Road, thence Eastwards along the North side of Fergusson Road, thence Southwards along the East side of DeLisle Road to its junction with Currey Road, thence Eastwards along with Northside of Currey Road to the starting point, viz., junction of Currey Road and the G. I. P. Railway Lines.	2
31	Worli ...	A line starting from the junction of Fergusson Road and the Drainage Channel now *partly* covered over, running Westwards along the Northside of Fergusson Road, thence Northwards along the East side of Dr. Annie Besant Road upto its junction with Road No. 10, thence along the North side of Road No. 10 to the Sea, thence Northwards along the Sea Coast upto Worli Point, thence Southwards along the Sea Coast to its junction with Worli Sonapur Lane, thence Eastwards	3

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the Corporation [to be elected for each] ward.
		along the South side of the Worli Sonapur Lane upto its junctions with Cadell Road, thence Southwards along the West side of Cadell Road and West of the Drainage Channel, now *partly* covered over to the starting point, viz., junction of Fergusson Road and the Drainage Channel now partly covered over.	
32	Parbhadevi ...	A line starting from the junction of G. I. P. Railway Lines and Elphinstone Road, running Northwards along the East side of the G. I. P. Railway Lines to its junction with Naigaum Cross Road, thence Westwards crossing the G. I. P. and the B. B. & C. I. Railway Lines, along the South side of Dadar Road, Portuguese Church Street and Kashinath Dhuru Road to the Sea, thence Southwards along the Seashore upto Worli Sonapur Lane, thence Eastwards along the North side of Worli Sonapur Lane, New Parbhadevi Road and Elphinstone Road to the starting point, viz., junction of the G. I. P. Railway Lines and Elphinstone Road.	3
33	Dadar ...	A line starting from the junction of the G. I. P. Railway Lines and Naigaum Cross Road running Northwards along the East side of the G. I. P. Railway Lines to its junction with Lady Hardinge Road, thence Westwards along the South side of Lady Hardinge Road to its junction with Cadell Road, thence Northwards along the West side of Cadell Road upto the South side of the Scottish Orphanage, thence Westwards along the South side of the Road to the South side of the Scottish Orphanage Play Ground upto the Sea, thence Southwards along the Sea Coast to its junction with Kashinath Dhuru Road, thence Eastwards along the North side of Kashinath Dhuru Road, Portuguese Church Street and Dadar Road to the starting point, viz., junction of G. I. P. Railway Lines and Naigaum Cross Road.	3
34	Mahim ...	A line starting from the junction of the G.I.P. Railway Lines and Lady Hardinge Road, running Northwards along the East side of the G.I.P. Railway Lines upto the Northern limit of Bombay (middle of Duncan Causeway), thence Westwards along the line running through the Centre Point of the B.B. & C.I Railway and Lady Jamshedji Bridges to the Sea, thence Southwards along the Sea Coast to its junction with the Road South of the Scottish Orphanage Play Ground, thence Eastwards along the North side of the aforesaid Road upto its junction with Cadell Road, thence Southwards along the East side of Cadell Road upto its junction with Lady Hardinge Road, thence Eastwards along the North side of Lady Hardinge Road to the starting point, viz., junction of the G.I.P. Railway Lines and Lady Hardinge Road.	3
		Total ...	106

SCHEDULE C.

(See *Section 110.*)

FORM OF DEBENTURE.

No. for Rs.

By virtue of the [1][Bombay Municipal Corporation Act], we, the Municipal Corporation of [2][Greater Bombay], in consideration of the sum of paid to us by *A. B.* of for the purposes of the said Act, promise to pay to the said *A. B.*, his heirs, executors, administrators and assigns, the said sum of together with interest at the rate of per centum per annum payable half-yearly on the day of and the day of

And, by way of security for the said payment, we do hereby grant and assign unto the said *A. B.*, his heirs, executors, administrators and assigns such proportion of the moneys arising or accruing by virtue of the said Act from (the taxes mortgaged) as the sum aforesaid doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said (taxes), to hold to the said *A. B.*, his heirs, executors, administrators and assigns from the day of the date hereof until the sum aforesaid with interest for the same at the rate aforesaid shall be fully paid and satisfied;

And it is hereby declared that the said principal sum shall be repaid on the day of 18 at (place of payment).

Dated this day of 18 .

(To be sealed with the common seal of the corporation.)

(Signed)

Municipal Commissioner on behalf of the corporation.

This debenture has been sealed with the common seal of the Municipal Corporation of [2][Greater Bombay] in our presence:—

(Signed)

1.......................
2.......................
} Members of the Standing Committee.

SCHEDULE D—[*Deleted by Bom. 76 of 1948, s. 38.*]

---

[1] These words were substituted for the words and figures "City of Bombay Municipal Act, 1888" by Bom. 7 of 1950, s. 6 (*2*) (*b*).

[2] These words were substituted for the words "the City of Bombay", *ibid*, s. 6 (*2*) (*a*).

SCHEDULE E

(See *Section 150.*)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT.

To the Municipal Commissioner for [1][Greater Bombay].

I, *A. B.*, hereby give notice, as required by section 149 of the [2][Bombay Municipal Corporation Act], of the following transfer of property :—

Date of Notice.	Date of Instrument.	Name of Vendor or Assignor.	Name of Purchaser or Assignee.	Amount of consideration.	Description of the property.						If instrument has been registered, to date of Registration	Remarks.
					Of what it consists.	Situation.	No. in Assessment Book.	Collector's No.	Dimensions of Land.	Boundaries.		

(*Signed*) *A. B.*

SCHEDULE F.

(See *Section 150.*)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT.

To the Municipal Commissioner for [1][Greater Bombay].

I, *A. B.*, hereby give notice, as required by section 149 of the [2][Bombay Municipal Corporation Act], of the following transfer of property :—

Date of Notice.	Name in which the property is at present entered in the Commissioner's Records.	To whose name it is to be transferred.	Description of the property.						Remarks.
			Of what it consists.	Situation.	No. in Assessment Book.	Collector's No.	Dimensions of Land.	Boundaries.	

(*Signed*) *A. B.*

---

[1] These words were substituted for the words "the City of Bombay" by Bom. 7 of 1950, s. 6 (*3*) (*a*) and 4 (*a*).

[2] These words were substituted for the words and figures "City of Bombay Municipal Act of 1888" *ibid.* s. 6 (*3*) (*b*) and 4 (*b*).

[1]SCHEDULE G.

(See *Section 180.*)

TAX ON VEHICLES AND ANIMALS.

Serial No.	Description of vehicle or animal.	Maximum amount of tax per quarter.	
		For vehicles with pneumatic tyres.	For vehicles without pneumatic tyres.
		Rs.	Rs.
	Vehicles impelled by machinery and used for commercial purposes other than the carriage of passengers—		
	Weighing up to 2 tons empty	45	65
	Do. 4 do.	55	80
	Do. 8 do.	65	95
	Do. 12 do.	75	110
	Over 12 do.	85	125
2	Each vehicle drawn or intended to be drawn by any vehicles falling under Serial No. 1 and used for commercial purposes (i.e. trailers)—		
	Weighing up to 2 tons empty	30	45
	Do. 4 do.	40	60
	Do. 8 do.	50	75
	Do. 12 do.	60	90
	Over 12 do.	70	100
3	Each vehicle impelled by machinery and used solely for carrying passengers—		
	Weighing up to 15 cwt. empty	25	40
	Do. 30 do.	35	50
	Do. 45 do.	50	75
	Over 45 do.	65	90
4	Vehicle drawn or intended to be drawn by any vehicle falling under Serial No. 3 (i.e., trailer)	12	20
5	Each three-wheeled vehicle impelled by machinery and used solely for carrying passengers	15	25
6	Each two-wheeled vehicle impelled by machinery	12	20
7	Each four-wheeled vehicle drawn by horses, ponies, mules, donkeys or bullocks—		
	(*a*) Labour carts	2	8
	(*b*) Other vehicles in this class	8	12
8	Each two-wheeled vehicle drawn by horses, ponies, mules, donkeys or bullocks—		
	(*a*) Labour carts	2	6
	(*b*) Other vehicles in this class	4	6
9	Each vehicle drawn or impelled otherwise than by horses, ponies, mules, donkeys, bullocks or machinery	1	2
10	Each horse, pony or mule of a height of 12 hands or upwards ...	Rs.	8
11	Each horse, pony or mule of a height of less than 12 hands ...	"	4
12	Each bullock or buffalo kept for draught or pack purposes ...	"	2
13	Each donkey kept for draught or pack purposes or for riding ...	"	2

---

[1] This schedule was substituted for the original by Bom. 76 of 1948, section 39, sub-section (*1*). Notwithstanding the provisions of sub-section (*1*), the tax on vehicles and animals shall be levied for the period ending on the 31st March 1949 as if the provisions of the said sub-section had not come into operation.

[1][SCHEDULE G-1.

(See *Section 191E.*)

THEATRE TAX.

Type of entertainment.	Maximum amount of tax.
(1) Class I cinema theatre	Rs. 10 per show.
(2) Class II cinema theatre	Rs. 7 per show.
(3) Drama, concert, variety entertainment or tamasha.	Rs. 7 per show.
(4) Circus carnival or fete	Rs. 10 per day.
(5) Any other entertainment	Rs. 7 per show or if there are not separate shows Rs. 7 per day.

Explanation.—For the purposes of this Schedule, class I cinema theatre means a theatre where usually films run for the first time in Greater Bombay are shown and class II cinema theatre means any other cinema theatre.]

[2][If any question arises whether any cinema theatre belongs to class I or class II, it shall be referred to the Commissioner who after making such inquiry as he may deem proper shall decide the question. The decision of the Commissioner shall be final.]

[3][SCHEDULE H.

(See *Section 192.*)

ARTICLES LIABLE TO PAYMENT OF TOWN-DUTIES.

Articles.	Maximum Rates of Town duties leviable.
Grain of all sorts	2 annas per maund.
Flour of all sorts	75 per cent. of the rate for the time being levied on the grain from which the flour is prepared.
Wines and spirits	1 rupee per imperial gallon.
Beer	2 annas per imperial gallon.
Sugar, molasses and gur	12 annas per cwt.
Ghee	1 rupee per quarter.
Ghee substitutes (of whatever composition) which are not pure ghee but which resemble pure ghee and are capable of being used as substitutes for pure ghee, including hydrogenated vegetable oil.	1 rupee per quarter.
Timber, exclusive of railway sleeper	3 per cent. of the market value.
Plywood or any other kind of wood prepared by artificial process.	3 per cent. of its market value.
Firewood	9 annas per ton.
Charcoal	1 rupee per ton.
Tea	Re. 0-0-6 per lb.
Coal	Re. 0-7-0 per ton.
Dates, dry	Re. 0-12-0 per cwt.
Dates, wet	Re. 0-8-0 per cwt.
Cement	Re. 1-0-0 per ton.
Iron and Steel	Rs. 2-8-0 per ton.
Paper—	
(*a*) Newsprint	Re. 0-5-0 per cwt.
(*b*) For cards or other like purposes	Re. 1-0-0 per cwt.
(*c*) Strawboards	Re. 0-3-0 per cwt.

---

[1] Schedule G-1 was inserted by Bom. 48 of 1950, s. 77.
[2] This portion was added by Bom. 30 of 1951, s. 6.
[3] Schedule H was substituted by Bom. 20 of 1947, s. 2.

Articles.	Maximum Rates of Town duties leviable.
[1][*Edibles*]—	
(*a*) Bacon and Hams	6½ per cent. *ad valorem*.
[2](*b*) Table Butter	
(*b*1) Butter other than Table Butter	
[3](*c*) Fruits canned, tinned, bottled, boxed or cartoned.	
(*d*) Fish (canned, tinned, bottled, boxed, or cartoned).	
(*e*) Cheese [4]* * * *	
(*f*) Confectionery	
(*g*) Jams and Jellies	
(*h*) Milk condensed and preserved, [5]* * *	
(*i*) All sorts of farinaceous foods	
(*j*) Pickles	
(*k*) Cocoa and Chocolates	
(*l*) Biscuits and cakes	
(*m*) Lard	
(*n*) Fruit juices and all beverages	
[6][(*o*) All kinds of food and drink not specifically provided for (canned, tinned, bottled, boxed or cartoned)].	
(*p*) Whole milk powder	
(*q*) Skimmed milk powder	
[7][(*r*) Mawa and milk cream]	

SCHEDULE I.

(See *Section 202.*)

FORM OF NOTICE OF DEMAND.

To

A. B.
residing at

Take notice that the Municipal Commissioner for [8][Greater Bombay] demands from (*you*) the sum of due from (*you*) on account of (*here describe the premises, vehicle or animal on account of which the tax is leviable*) for the half year (*or* quarter) commencing (*or* ending on) the day of 19 ; and that if the said sum is not paid into the municipal office at , or if sufficient cause for non-payment of the sum is not shown to the satisfaction of the Commissioner within fifteen days from the service of this notice, a warrant of distress [9][or attachment] will be issued for the recovery of the same, with costs.

Dated this day of 19

(*Signed*)
Municipal Commissioner for [8][Greater Bombay].

---

[1] This heading was substituted for the heading "Tinned Provisions" by Bom. 76 of 1948, s. 40.
[2] These items were substituted for the original item "(*b*)," *ibid.*
[3] These items were substituted for the original, *ibid.*
[4] The brackets and words "(including canned)" were deleted, *ibid.*
[5] The words "including milk cream" were deleted by Bom. 76 of 1948, s. 40.
[6] This item was substituted for the original, *ibid.*
[7] This item was added, *ibid*
[8] These words were substituted for the word "the city of Bombay" by Bom. 7 of 1950, s. 6 (*1*).
[9] These words were inserted by Bom. 64 of 1953, s. 24.

[1][SCHEDULE J.

(See *section 203 and sub-section (3) of section 207A.*)

FORM OF WARRANT OF DISTRESS OR ATTACHMENT.

To (here insert the name of the officer charged with the execution of the warrant).

WHEREAS A. B., of , has not paid or shown sufficient cause to my satisfaction for the non-payment of the sum of due for the tax* mentioned in the margin for the half-year (or quarter) commencing (or terminating) on the day of 19 , although the said sum has been duly demanded in writing from the said A. B., and fifteen days have elapsed since the service of the notice of the demand/order ;

*Here describe the tax.

This is to command you to $\frac{\text{distrain the goods and chattels}}{\text{attach any property}}$ of the said A B. (or, as the case may be, any goods and chattels on the premises in respect of which the said tax is due) to the amount of the said sum of and such further sum as may be sufficient to defray the cost of recovering the said amount ; and forthwith to certify to me together with this warrant all particulars of the $\frac{\text{goods and chattels distrained}}{\text{property attached}}$ by you thereunder.

Dated this day of 19

(Signed)
Municipal Commissioner for Greater Bombay.]

SCHEDULE K.

(See *section 206.*)

FORM OF INVENTORY AND NOTICE.

To
A. B.
residing at

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this, for the sum of due for the tax mentioned in the margin* for the half-year (*or* quarter) commencing (*or* terminating) on the day of 19 ; and that unless you pay into the municipal office at the amount due, together with the costs of recovery, within five days from the day of the date of this notice, the goods and chattels will be sold.

*Here describe the tax.

Dated this day of 19

(*Signature of the officer executing the warrant.*)

INVENTORY.

(*Here state particulars of the goods and chattels seized.*)

---

[1] This Schedule was substituted for the original by Bom. 64 of 1953, s. 25.

[1][SCHEDULE L.

(See *section 207.*)

TABLE OF FEES PAYABLE FOR DISTRAINTS OR ATTACHMENTS.

Sum distrained for	Fees. Rs.	a.	p.
Up to 100 Rupees	5	0	0
Over 100 Rupees	10	0	0

The above fees are to include all expenses except when peons are kept in charge of property distrained, in which case rupees two must be paid daily for each peon so employed.]

[2][SCHEDULE M.

[3][PART I.

Articles which shall not be kept without a licence in or upon any premises.

(See *section 394.*)

Blood.

Dynamite.

Blasting powder.

Fulminate of mercury.

Gun-cotton.

Nitro-glycerine.

Phosphorus.

---

[1] This schedule was substituted for the original, by Bom. 64 of 1953, s. 26.

[2] The present schedule M was substituted for the original schedule by Bom. 2 of 1911, s. 23.

[3] New Parts I, II and III were substituted for the original Parts I, II and III by Bom. 10 of 1928, s. 18.

PART II.

Articles which shall not be kept without a licence, in or upon any premises in quantities exceeding at any one time the maximum quantities hereunder set opposite such article respectively :—

Articles.	Maximum quantity which may be kept at any one time without a licence.
Bidi leaves	4 cwts.
Camphor	⅛ cwt.
Celluloid Celluloid goods	4 cwts.
Chemicals, liquid	4 gals.
Chemicals, non-liquid	¼ cwt.
Chlorate of Potash	¼ „
Cinematograph films	20 lbs.
Copra	4 cwts.
Cotton refuse and waste	4 „
Cotton seed	4 bags not exceeding 4 cwts.
Dry leaves (Patravali, etc.)	4 cwts.
Esas	1 cwt.
[1] * * *	* * *
Gunpowder	5 lbs.
Matches for lighting	1 gross boxes.
Methylated spirit	10 gals.
Packing stuff (Paper cuttings, straw, etc.)	4 cwts.
Paints	5 „
Old paper (waste) including old newspapers, periodicals, magazines, etc., kept for sale or for other than domestic use	4 „
Petroleum as defined in the Indian Petroleum Act, 1899	10 gals.
Dangerous Petroleum as defined in the same Act	3 „
Oil (other sorts)	15 „
" Oilseeds " other than cotton seeds	1 ton.
Rosin	¼ cwt.
Saltpetre	¼ „
Sulphur	¼ „
Tar, pitch, dammer or bitumen	½ „
Turpentine	1 gal.
Varnish	20 gals.

PART III.

Articles which shall not be kept without a licence, in or upon any premises, for sale or for other than domestic use :—

Acetylene gas.
Ashes
Bamboos.
Bones.
Cocoanut fibre.
Carbide of Calcium.
Charcoal.
China grass.
Coal.
Coke.
Fat.
Fins.
Firewood.
Fireworks.
Fish (dried).
Flax
Grass.
Gunny bags.
Hair.
Hey.
Hemp.
Hesian cloth (Gunny bag cloth).
Hides (dried).
Hides (raw).
Hoofs.
Horns.
Jute.
Khokas or wooden boxes or barrels (manufacturing and storing).
Offal.
Rags.
Sandalwood.
Skins.
Straw.
Tallow.
Timber.
Wool (raw).

---

[1] The entry " Ghee kept for sale " " 4 cwts," was omitted by Bom. 32 of 1935, s. 16.

PART IV.

Trades or operations connected with trade which shall not be carried on in or upon any premises without a licence.

(See *sections 394 and 395.*)

Baking.
Casting metals.
Dyeing cloth or yarn, in indigo or other colour.
[1][Keeping of eating-houses.]
[2][Keeping of sweetmeat shops except in premises already licensed as an eating-house.]
[3][Keeping of hair dressing saloons or barbers' shops.]
Tanning, pressing or packing hides or skins, whether raw or dried.
Manufacturing, packing, pressing, cleaning, cleansing, [4][melting] or preparing by any process whatever any of the following articles:—

Aerated waters.
[5][Bidis (indigenous cigarettes).]
[6][Blasting Powder.]
Bones.
Bricks or tiles.
Candles.
Catgut.
Cotton or cotton refuse or cotton seed.
Cowdung cakes.
Dammer.
[6][Dynamite.]
Fat.
[6][Fireworks.]
Flax.
Gas.
Ghee
[6][Gunpowder.]
[7][Ice.]
Lime.
[6][Matches for Lighting.]
Offal.
Oil-cloth.
Paper.
Pitch.
Pottery.
Rags.
Soap.
Sugar.
Tallow.
Tar.
[6][Vegetable Oil.]
Wood.

SCHEDULE N.

(See *section 444.*)

PARTICULARS TO BE SPECIFIED IN THE REGISTER OF BIRTHS.

Serial Number.

Date of birth.

Place of birth ... ...
  District.
  Sub-district.
  Ward No. of house [i.e., *its distinguishing number under clause (a) of s. 156.*]
  Street or wadi.
  No. of house in street or wadi.

---

[1] This entry was inserted by Bom. 1 of 1916, s. 15.
[2] This entry was inserted by Bom. 5 of 1920, s. 7.
[3] This entry was inserted by Bom. 7 of 1921, s. 15 (a).
[4] The word "melting" was inserted by Bom. 8 of 1918, s. 22 (c) (1).
[5] This entry was inserted by Bom. 7 of 1921, s. 15 (b).
[6] This entry was inserted by Bom. 8 of 1918, s. 22 (c) (2).
[7] This entry was added by Bom. 1 of 1925, s. 29.

Parents
- Names (and surnames, if any).
- Occupation or profession.
- Place of birth.
- Duration of residence in [1][Greater Bombay].
  - Years.
  - Months.
  - Days.

Mother being
- Only wife now alive.
- One of two wives, both now alive.
- One of three or more wives, all now alive.

Mother being unmarried.

Child
- Born alive.
- Still-born.
- Sex.
- Race, caste or nationality.
- Name, if any.

SCHEDULE O.

(See *Section 444.*)

PARTICULARS TO BE SPECIFIED IN THE REGISTER OF DEATHS.

Serial number.

Date of death

Abode
- District.
- Sub-district.
- Ward No. of house [i.e., *its distinguishing number under clause (a) of section 156*].
- Street or wadi.
- No. of house in street or wadi.

Duration of residence in [1][Greater Bombay]
- Years.
- Months.
- Days.

If a stranger to [1][Greater Bombay], or lately arrived, wherefrom
- Village.
- Taluka.
- District.

Name (and surname, if any).

Sex.

Race, caste or nationality.

Age
- Years.
- Months.
- Days.
- Still-born.

Occupation or profession of deceased or of his or her family.

Place of birth
- If in [1][Greater Bombay].
  - District.
  - Street or wadi.
  - No. of house.
- If out of [1][Greater Bombay].
  - Village.
  - Taluka.
  - District.

NOTE.—In the case of the birth of a Hindu, the particular sub-division of his caste should be given. Christians should be separated into those of pure Europeans parentage; those of mixed blood *viz.*, Indo-Europeans; and those of pure Asiatic parentage, *viz.*, Native Christians, Negro-Africans or Siddis should be registered as such and not as Mussalmans. In the case of Europeans, their religion should be specified.

---

[1] These words were substituted for the word "Bombay" by Bom. 7 of 1950, s. 6 (*5*).

Country to which family belongs.
Cause of death.

Duration of disease .. .. { Years. Months. Days. Hours.

Name and residence of medical attendant.

Place of disposal of dead, No. .. .. .. { Buried. Burnt. Exposed.

SCHEDULE P.

(See *Section 450.*)

CERTIFICATE OF CAUSE OF DEATH.

I do hereby certify that I attended the deceased during his last illness, and that the cause of his death was, to the best of my belief (*here state particulars*).

Date (*Signed*)

Medical Designation or Diploma.

SCHEDULE Q.

(See *Section 453.*)

FORM CERTIFYING NAME GIVEN IN BAPTISM.

I, of , do hereby certify that on the 18 , I baptized by the name of a male child produced to me by as the of , and declared by the said to have been born at , on the 18 .

Date (*Signed by Officiating Minister*).

FORM CERTIFYING NAME GIVEN NOT IN BAPTISM.

I, , do hereby certify that the male child, born on the 18 , at , to and his wife, and registered in the district of on the 18 , has received the name of.

ate (*Signed by father or mother, etc.*).

SCHEDULE R.

(See *section 528.*)

TRANSITORY PROVISIONS.

[1, 2, 3, 4, 5 *and* 6.] *Repealed by Act XVI of 1895.*

Personal allowance to present Municipal Secretary.

7. The standing committee may, with the approval of the corporation, grant to the Municipal Secretary, in addition to his maximum monthly salary of one thousand rupees, a personal allowance not exceeding two hundred rupees monthly in consideration of such secretary's long and approved service, so long as the office is held by the same person who on the day when the Bombay Municipal Acts Amendment Act, 1882,[1] came into force was secretary of the town council and clerk of the Municipal Corporation.

Bom. VI of 1882.

[8, 9, 10, 11, 12 *and* 13.] *Repealed by Act XVI of 1895.*

[2]SCHEDULE S.

[See *section 259A, sub-section (3).*]

DRAINAGE COMPLETION CERTIFICATE.

I do hereby certify that the following work (*insert full particulars of the work*) has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Act or the by-laws, and no requisition made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(*Signed*)

(*Dated*)

[3]SCHEDULE T.

[See *section 353A, sub-section (1)*]

BUILDING COMPLETION CERTIFICATE.

I do hereby certify that the following building work (*insert full particulars of the work*) has been supervised by me and has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Act or the by-laws and no requisitions made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(*Signed*)

(*Dated*)

---

[1] Bom. 6 of 1882 is repealed by section 2 of this Act.

[2] Schedule S was inserted by Bom. 5 of 1905, s. 60.

[3] Schedule T was inserted by Bom. 5 of 1905, s. 60.

[1]SCHEDULE U.

[See *section 62, sub-section (1).*]

MEDICAL INSTITUTIONS IN BOMBAY.

1. The Jamsetjee Jeejeebhoy Hospital.
2. The Bai Motlibai (Obstetric) Hospital.
3. The Sir Dinshaw Manockji Petit Hospital for Women and Children.
4. The Dwarkadas Lallubhai Dispensary for Women and Children.
5. The St. George's Hospital.
6. The Goculdas Tejpal Native General Hospital.
7. The Pestonji Hormusji Cama Hospital for Women and Children.
8. The Allbless Obstetric Hospital.
9. The Jaffer Sulliman Dispensary for Women and Children.
10. The Jehangir Nassarvanji Wadia Dispensary, Mahim.

[2]SCHEDULE V.

(See *section 89A.*)

LANDS AND BUILDINGS IN THE USE AND OCCUPATION OF THE BOMBAY CITY POLICE.

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
1	Quarters for Police Officers formerly used as the Police Magistrate's Court, Maharbavdi, Girgaon BackRoad.	416	D416	7,482	9,189
2	Police Station in Picquet Road	18	C016	1,915	377
3	New Police Chowki near Null Bazar, Erskine Road .	3421A	C 6,806	302	003
4	Police Station at the junction of Hornby Vellard and Warden Roads, Mahaluxmi.	*Nil.*	G 1	350	760
5	New Police Chowki at Jacob's Circle, Byculla ..	7783	E 4572(3)	819	2,181
6	New Chowki in Undria Street, Nagpada ..	..4079 &4080	E 8 & E 806	638	28
7	Bungalow No. 7, Hansraj Lane, Byculla Bridge ..	3672(2)	E 4727 to 4729	9,639	47,039
8	Police Head-quarters and Lines in Esplanade, Carnac and Hornby Roads.	8473	A 3325 to 3329 A 3715 (1 & 2) A 3716 (1 & 3)	11,422	154,555
9	Police Magistrate's Court in Esplanade and Cruickshank Roads (portion used for residential purposes only).	8472	A 3344 to 3440	1,328	*Nil.*
10	"Claremount" premises, Nesbit Lane, Mazgaon (portion used for residential purposes only).	3687	E 6151	4422	"
[3][11	"Grant House", Pultan Road	8476	A 3333 (2) & (3) & 3334 (1)	9,350	28,884]
12	New Police Chowki at Girgaum, near the Tramway Terminus, Girgaum Road.	408	D 287	598	521
13	Pound keepers quarters at Girgaon near Kennedy Bridge.	7957	D 247	4,548	2,320

---

[1] Schedule U was added by Bom. 3 of 1907, s. 22.
[2] Schedule V was added by Bom. 3 of 1907, s. 22.
[3] This item was substituted for the original item by Bom. 2 of 1911, s. 24.

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
14	Chowki at Middle Colaba near the Post Office, Middle Colaba Road.	9699	A 26 (2)	390	3,464
15	Police Station, Bazar Gate Road and Fort Street ..	8484 & 8485	A 2163 (1)	2,194	589
16	Chowki near the Queen's Statue, Esplanade Road ..	8452	A 3505	444	*Nil.*
17	Sowars' stable and Superintendent's quarters in the lane leading to Mahim Fort.	55	G 5312	4,523	15.446
18	Old Police Head Office and Chowki in Byculla, Parel and Shepherd Roads.	3672	E4727 to E4729	7,321	51,029
19	Police Lines and Stables in Shepherd Road, Byculla ..	3672	E4727 to 4729	30,264	80,436
20	Chowki in Masjid Bundar Road, Masjid Bunder Bridge.	265	B 1171	450	*Nil.*
21	Police Chowki and Quarters behind the old Girgaum Police Court Buildings, Girgaum Back Road.	7495	D 980 to 982	4,988	2,496
22	Police Chowki at Walkeshwar Reversing Station, Walkeshwar Road, Malabar Hill.	7,238	D 2984	481	942
23	Police Station at Pydhonie, Parel Road ..	1267	B 2179 (1)	2,820	51
24	Police Quarters and Lines on Wodehouse Road Estate, Colaba Causeway Road.	9561	A 885 (1 & 5)	25,794	33,408
25	Police Quarters and Lines in the 1st Nagpada Scheme, near the Parsee Statue, New Nagpada Street.	3692	A 3689 (1 & 2) and A 3690	23,013	12,600
26	Police Quarters in Shepherd Road	3689	E 3420 to 3448	4,248	7,569
27	Police Hospital in New Nagpada Street, Nagpada, Byculla.	3692, 3696 & 3697	E3536 to 3542	7,656	43,023
28	Chowki in Bhandarwada Lane, Koliwada, Mandvi ..	2375	B 1960	212·5	*Nil.*
29	Chowki at the Junction of Kazi and Masjid Streets ..	361	C6166	180	„
30	Chowki at the junction of the Mount, Mazgaon and Dockyard Roads, Matharpacady.	*Nil.*	E 4917	514·53	„
31	Chowki at the junction of Church and Dholkar Streets, Mazgaon.	3363	E 6806	367	„
32	Chowki in Parel Road, Chinchpokli	3621	E 7483	343	„
33	Chowki in Upper Duncan Road	5688	E537 (2)	377	182
34	Chowki in Sion Road, Coorla Causeway	$\frac{1}{518}$	F 8803 (2)	81	*Nil.*
35	Chowki and Lock up in Mahim Bazar Road ..	39	G 5215	1,152	„
36	Chowki in 1st Pasta Lane, Lower Colaba	9504	A 520	90	„
37	Chowki in Colaba Road	9699	A26 (2)	37·98	„
38	Chowki on Beach Road, near the Royal Artillery Mess, Colaba.	9699	A 6 (3)	45·54	„
39	Chowki in Pilot Street, near the Afghan Memorial Church, Colaba.	9696	A 174 (2)	39·06	„
40	Chowki in 8th Bungalow Street, near the Bombay Infantry Mess, Colaba.	9699	A 66 (2)	45·54	„
41	Chowki near Colaba Railway Station, Wodehouse Rd.	9666	A 235 (9)	37·98	„
42	Chowki near the Gun Carriage premises, Colaba Road	9567	A 423 (2)	45·54	„
43	Chowki near the Town Hall, Custom House Road ..	9313	A 1057 (1)	100·00	868
44	Chowki in the compound belonging to the Improvement Trust, Wodehouse Road Buildings, Colaba Causeway.	9561	A 885 (5A)	108·00	*Nil.*
45	Chowki in Jamnagar Street, Frere Road ..	8480	A 2899 (2)	108·00	„
46	Chowki in Fort Street, Mint Road ..	$\frac{1}{8483}$	A 2811 (2)	144·00	„

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
47	Chowki near the Wellington Fountain at the junction of Mayo and Esplanade Roads.	9562	A 1301 (2)	108·00	*Nil.*
48	Chowki in Tabut Galli, Marine Lines	9561	A 3596	247·95	"
49	Chowki at the entrance to the Admiral's Bungalow, Marine Lines.	9666	A 3586 (2)	63·00	"
50	Chowki near Churchgate Railway Station, Queen's Road.	8426	A 3668 (2)	84·96	"
51	Chowki to the rear of the premises known as Major Mein's Bungalow Queen's Road.	8426	A 3668 (4)	39·96	"
52	Chowki at the junctior of Waudby and Cruickshank Roads.	8472	A 3454 (2)	63·00	"
53	Chowki at the junction of Pultan and Hornby Roads, Dhobi Ghat.	$\frac{1}{8478}$	A 3219 (1)	108·00	"
54	Chowki at the junction of Frere and Carnac Roads ..	3186	B 4378 (3)	60·03	"
55	Chowki at the junction of Frere Road and Ahmedabad Street.	3186	B 4353 (3)	166·32	"
56	Chowki near the Native Infantry Line, Carnac Road ..	8475	A 3720 (2)	108·00	"
57	Chowki at the junction of Chinch Bandar Road, and Elphinstone Overbridge.	3184	B 4117	60·03	"
58	Chowki at the junction of Frere and Malet Bandar Roads.	3186	B 4487	60·03	"
59	Chowki at the junction of Frere, Raichur and Elphinstone Bridge Roads.	3136	B 4471 (1)	60·03	"
60	Chowki at the junction of Frere Road and Thana Street.	3186	B 4377 (2)	63·03	"
61	Chowki at the junction of Queen's Road and 1st Marine Street, south of the Marine Lines Railway Station.	8090	C2322 (6)	63·00	"
62	Chowki at the junction of 2nd Pathan Street and Durgadevi Road, south of Northbrook Gardens.	5136	C 7889	46·98	"
63	Chowki near French Bridge, Mathew Road ..	7352	D 1686(2)	45·54	"
64	Chowki at Chowpati Crossing, Queen's Road ..	$\frac{D}{7298}$	D 2447 (3)	45·54	"
65	Chowki near Chowpati well, Queen's Road ..	8005	D 2442 (3)	45·54	"
66	Chowki at the Upper Gate of Government House, Walkeshwar Road.	7262	D 2538 (3)	45·54	"
67	Chowki near the Ladies' Gymkhana, Ridge Road ..	7295	D 3365 (2)	45·54	"
68	Chowki at the junction of Nepean Sea and Nepean Roads.	7215	D 3316	139·97	"
69	Chowki at Nana-ka-chowka, Gawalia Tank Road ..	7343	D 2872(4)	45·54	"
70	Chowki near Davar Hall, Warden Road ..	$\frac{1\ \&\ 2}{7139}$	D 3327 (3)	45·54	"
71	Chowki opposite Messrs. Kemp and Company's premises, Peddar Road.	7128	D 3402 (3)	45·54	"
72	Chowki midway between Mahaluxmi Chowki and the Chowki opposite. Messrs Kemp and Company's premises, Peddar Road.	8037	D 3465 (5)	45·54	"
73	Chowki at the junction of Tardeo Road and Forjett Street.	7064	D 3427 (2)	45·54	"
74	Chowki at the junction of Chikalwadi and Sleater Road.	7044	D 3706 (2)	45·54	"
75	Chowki at the junction of Bellasis and Arthur Road Tardeo.	$\frac{1}{3396}$	D 3382 (2)	169·29	"
76	Chowki near the main night-soil drain, Arthur Road..	3398	D 3901 (2)	45·54	"

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
77	Chowki near the Byramji Dispensary, Tardeo Road ..	3386	D 3823 (2)	45·54	*Nil.*
78	Chowki near the Cowasji Patel Tank, Girgaum Back Road.	623	C 5697 (2)	46·98	„
79	Chowki at the junction of Grant Road and Trimbak Parsharam Street.	*Nil*	D 2368 (2)	45·54	„
80	Chowki at the junction of Grant Road and Balaram Street.	6967	E 2305 (2)	45·54	„
81	Chowki at the junction of Grant Road and Gilder Street.	6092	E 2604 (2)	45·54	„
82	Chowki at the junction of Girgaum Back Road and Charni Road.	7697	D 1640 (2)	45·54	„
83	Chowki at the junction of Gun powder and Matharpacady Roads.	3772	E 6413 (2)	61·38	„
84	Chowki at the junction of Ghorapdeo, Mount and Tank Bunder Roads.	3712	E 7722 (2)	61·38	„
85	Chowki near Hancock Bridge, Wadi Bunder Road ..	3604	E 4791 (2)	61·38	„
86	Chowki near the Municipal Water Tanks at the junction of De'Lima Street and Wadi Bunder Road.	3298	E 5062 (2)	61·38	„
87	Chowki opposite the P. and O. Docks, Dockyard Road, off the Main Road, Mazgaon.	8452	A 3506 (2)	45·54	„
88	Chowki at the junction of Connaught and Ghorupdeo Roads.	3643	E 8111 (2)	61·38	„
89	Chowki at the junction of Kalachowki, Ghorupdeo and Sewree Roads.	3627 (1)	E 8181	170·01	„
90	Chowki at the junction of Chinchpokli and Albert Roads.	3624	E 8261 (2)	61·38	„
91	Chowki in the compound of the Jamshedji Jeejeebhoy Hospital.	3621	E 4574 (3)	45·54	„
92	Chowki at Two Tanks at the junction of Duncan and Grant Roads.	4121	E 22	64·26	„
93	Chowki at the junction of Bellasis Road and Gilder Street.	3524	E 3406 (2)	61·88	„
94	Chowki near Messrs. Anderson's stables, Bellasis Road	6906	E 3112 (2)	60·48	„
95	Chowki near the Parsee Statute, Bellasis Road ..	6486	E 589 (3)	61·29	„
96	Chowki at the junction of Haines and De'Lisle Roads	3401	E 7042 (2)	60·08	„
97	Chowki at the junction of De'Lisle and Clarke Roads	3417	E 7397 (2)	61·29	„
98	Chowki at the junction of Haines, Clare and Sankl Roads.	*Nil*	E 4272	159·93	„
99	Chowki at the junction of Sankli and Ripon Roads ..	3540	E 4023 (2)	46·62	„
100	Chowki at the junction of Ripon and Moreland Roads	3483	E 4545 (2)	46·62	„
101	Chowki at the junction of Moreland and Byculla Club Roads.	3526	E 4109 (2)	159·93	„
102	Chowki at the junction of the five roads in the Agripada Estate belonging to the Bombay Improvement Trust.	3505	E 4093 (3)	46·62	„
103	Chowki at the junction of Sion, Dharavi and Sion Fort Roads.	*Nil*	F 6404 (2)	159·93	„
104	Chowki near the Hindu Temple Matunga-Agar Road	$\frac{2}{927}$	F 7799 (1)	159·93	„
105	Chowki at the junction of Wadala and Antop Hill Roads.	$\frac{18}{1101}$	F 4559	159·93	„
106	Chowki near Sewree Village, Sewree Road ..	2269	F 2461 (2)	159·93	„
107	Chowki at the junction of Naigaum and Naigaum Cross Roads.	1190	F 6481 (2)	159·93	„

Con-secutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
108	Chowki opposite the Fire Brigade Station at the junction of Naigaum Cross and Vincent Roads.	$\frac{1}{2089}$	F 829 (3)	159·93	*Nil*
109	Chowki near the G. I. P. Railway Level Crossing at the junction of Dadar and Naigaum Cross Roads.	$\frac{4}{1263}$	F 6435 (3)	159·93	,,
110	Chowki near Matunga Station on the G. I. P. Railway	2036	F 667 (2)	159·93	,,
111	Chowki at the junction of Suparibaug and Elphinstone Roads.	1908	F 388 (2)	159·93	,,
112	Chowki north of Parel Tank Road, Parel ..	$\frac{37}{2488}$	F 2759 (3)	159·93	,,
113	Chowki at the junction of Parel Tank and Golanjee Hill Roads.	$\frac{5}{2488}$	F 2732 (2)	159·93	,,
114	Chowki at Jackeria Bandar, Sewree Road ..	3725	F 2761 (2)	45·56	,,
115	Chowki at the junction of Kalachowki and Parel Roads	2599	F 36 (2)	159·93	,,
116	Chowki at the junction of Parel and Suparibaug Roads	$\frac{1 \& 2}{2589}$	F 112 (1)	159·39	,,
117	Chowki at the junction of Suparibaug and Currey Roads.	2566	F 124 (2)	159·93	,,
118	Chowki opposite the G. I. P. Railway Workshops, Suparibaug Road.	2582	F 564 (2)	45·56	,,
119	Chowki at the junction of Custom and Lady Jamsetji Roads.	54	G 5149 (2)	184·05	,,
120	Chowki near Mahim Bazar Cross Road, Lady Jamsetji Road.	137	G 5695 (2)	45·56	,,
121	Chowki near the Gopi Tank, Lady Jamsetji Road ..	$\frac{2}{1394}$	G 4063 (2)	45·56	,,
122	Chowki near Shivba's Door Post, Hasali, Lady Jamsetji Road.	*Nil*	G 4221	45·56	,,
123	Chowki near the path leading to Manmalla Tank, Lady Jamsetji Road.	130	G 5721 (2)	45·56	,,
124	Chowki at the junction of Lady Jamsetji, Dadar and Portuguese Church Streets.	1446	G 4307 (2	137·97	,,
125	Chowki in Dharavi Road	$\frac{5}{296}$	G 6149 (2)	137·97	,,
126	Chowki near the Sion Railway Station, Dharavi Road	$\frac{3}{423}$	G 7607 (2)	49·95	,,
127	Chowki at the Cross Post, Mahim Bazar Road ..	1506	G 4842 (2)	45·56	,,
128	Chowki at the junction of De'Lisle and Arthur Roads	$\frac{8}{2718}$	G 2228 (2)	45·56	,,
129	Chowki at the junction of De'Lisle and Fergusson Roads.	$\frac{8}{3205}$	G 1025 (2)	45·56	,,
130	Chowki at the junction of De'Lisle and Carrol Roads	$\frac{5}{2236}$	F 2840 (2)	137·97	,,
131	Chowki near the B. B. & C. I. Railway Crossing, Elphinstone Road.	$\frac{1}{2635}$	G 2495 (2)	45·56	,,
132	Chowki at Saitan Gate, Kumbharwada, Dadar ..	1834	G 3388 (3)	45·56	,,
133	Chowki at the junction of Cleveland and Worli Roads	3035	G 2538	171·00	,,

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
...					
134	Chowki in Pakadi Road, Worli	3/3205	G 1383 (2)	45·58	Nil
135	Chowki at the junction of Hornby Vellard and Worli Roads.	3346	G 6 (3)	45·56	"
136	Chowki at the junction of Haines and Fergusson Roads	13/3290	G 184 (2)	45·56	"
137	Chowki near the B. B. & C. I. Railway Crossing, Haines Road.	2725	G 1000 (2)	138·96	"
138	Chowki in Jamnagar Street, Modi Bunder	8434	A 2004 (7)	147·96	"
139	Chowki at the junction of Falkland and Foras Roads	6934	E 155	474·48	"
140	A plot of land near the present Water Police Station, situated between Karwar and Goa Streets.	8480	A 2730 & A 2744 (5)	Nil	29,665
141	A plot of land near Prince's Docks situated between Raichur Street and Elphinstone Bridge Road.	3186	B 4468, B4469 & B4470	"	27,200

[1] SCHEDULE W.

(See *section 91A*.)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE FLATS.				
			(Deposited Plan "A".)				
1 (*a*)	E ..	66 (part), 69 (part), Lower Parel Division.	Bounded on the North partly by Plot No. 1 (*k*) of the Flats, partly by the land belonging to the B. B. & C. I. Railway Company bearing Cadastral Survey No. 43 and on the South by Haines Road; on the East by private properties bearing Cadastral Survey Nos. 66, 65, 67 and on the West partly by land belonging to the Corporation, partly by plot No. 1 (*k*) of the Flats and partly by land belonging to the B. B. & C. I. Railway Company bearing Cadastral Survey No. 43.	76,194			
			(Deposited Plan "B".)				
1 (*b*) Part 1 (*d1*) Part 1 (*d2*) 1 (*d3*)	....	383 Part 2/383 " of Tardeo Division.	Bounded on the North by the land belonging to the Corporation bearing Cadastral Survey No. 410 (part) and partly by Clarke Road; on the South by private properties bearing Cadastral Survey Nos. 1/407, 372, 373, 374, 375, 369, 7/366, 8/366, 384, 383 (part), and 4/388, on the East by the land bearing Cadastral Survey No. 1/388 and on the West by private properties bearing Cadastral Survey Nos. 409, 408, 1/408, 407 land belonging to the Corporation and by Cadastral Survey Nos. 408, 401, 400, 399, 398, 376, 372, 382, 369, 368, 383 (part) excluding the 100 ft. and 40 ft. roads, and the Body Guard Lines.	347,950			

---

[1] This Schedule was inserted by Bom. 13 of 1933 s. 37.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE FLATS—*contd.*				
			(*Deposited Plan " C ".*)				
(d)	....	412 (part), Tardeo Division.	Bounded on the North by Clarke Road; on the South by the properties bearing Cadastral Survey Nos. 413 and 56; on the East by properties bearing Cadast al Survey Nos. 414 and 56, and on the West by the Municipal private road bearing Cadastral Survey No. 390, beyond which is the land belonging to the Corporation bearing Cadastral Survey No. 411 excluding the Muncipal road for rubbish carts.	19,815	..	..	
			(*Deposited Plan " D ".*)				
1(e)	....	1/1030, 2/1030, Lower Parel Division.	Bounded on the North by the newly constructed 100 feet Worli Road; on the South and West by land belonging to the Corporation bearing Cadastral Survey No. 286 and on the East by the private property bearing Cadastral Survey No. 1031.	6,133	..	7,666	
			(*Deposited Plan " E ".*)				
1(f) ..	....	1/268 and 268, Lower Parel Division	Bounded on the North by passage bearing Cadastral Survey No. 2/472 and by private properties bearing Cadastral Survey Nos. 437, 438; on the South by the land belonging to the Corporation bearing Cadastral Survey Nos. 1/269, 2/269 and 269, and by private property bearing Cadastral Survey No. 1/265; on the East by private properties bearing Cadastral Survey Nos. 270, 267, 1/265, 439, 438, 437, 436, 433, 1/472 and 2/472; and on the West by the Worli Low Level Drainage Channel bearing Cadastral Survey No. 286.	25,265	..	18,949	..
			(*Deposited Plan " F ".*)				
1(g)	....	71 (part), 144 (part), Lower Parel Division.	Bounded on the North by the land belonging to the Corporation bearing Cadastral Survey No. 284; on the South by Plot 1 (i) (East) and private property bearing Cadastral Survey No. 143; on the East partly by the land belonging to the Corporation bearing Cadastral Survey No. 2/71 and partly by private properties bearing Cadastral Survey Nos. 144 (part) and 1/45 and on the West by Plot No. 1(i) (East) of the Flats.	4,287	..	2,679	..
(h)	....	3/71, 71 (part), Lower Parel Division.	Bounded on the North by private properties bearing Cadastral survey Nos. 106 and107; on the South by the land belonging to the Corporation bearing Cadastral Survey No. 71 (Part); on the East by the Tulsi Pipe Line Road bearing Cadastral Survey No. 70 and on the West by the land belonging to the Corporation bearing Cadastral Survey No. 71 (part).	4,104	..	13,338	..
			(*Eastern portion.*)				
1(i) East	....	71 (part), Lower Parel Division.	Bounded on the North partly by the land belonging to the Corporation bearing Cadastral Survey No. 284 (part), partly by Plot 1(g) of the Flats and partly by private properties bearing Cadastral Survey Nos. 143, 142 and 140; on the South by the land belonging to the Corporation bearing Cadastral Survey No. 71 (part); on the East partly by private properties bearing Cadastral Survey Nos. 107, 140, 142, 143 and partly by Plot 1 (g) of the Flats and on the West by the Low Level Drainage Channel.	42,062	..	42,062	..

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE FLATS—*contd.* (*Deposited Plan* " *F* " —contd.) (*Western portion*).				
1(*i*) West	....	100 (part), Lower Parel Division.	Bounded on the North by private property bearing Cadastral Survey No. 134 and partly by private properties bearing Cadastral Survey Nos. 137, 136, 139 and partly by the Low Level Drainage Channel; on the South partly by the land belonging to the Corporation bearing Cadastral Survey No. 1/110, partly by the Low Level Drainage Channel and partly by private properties bearing Cadastral Survey Nos. 137, 136, 139 and 134; on the East by the Low Level Drainage Channel and on the West partly by land belonging to the Corporation bearing Cadastral Survey No. 1/110 and partly by private properties bearing Cadastral Survey Nos. 137, 139, 136 and 134.	..	..	..	.
			(*Deposited Plan* " *G* ".)				
1(*j*)	....	46 (part), Lower Parel Division.	Bounded on the North by the Municipal Storm Water Reservoir, on the South partly by Clerk Road and partly by land belonging to the Corporation bearing Cadastral Survey No. 45; on the East partly by land belonging to the Corporation bearing Cadastral Survey No. 45, partly by land acquired by Government for th B. B. & C. I. Railway Company bearing Cadastral Survey No. 46 partly by the junction Road and partly by the Low Level Drainage Channel beyond which is Haines Road and on the West by the Municipal old drain.	718,948	..	..	..
			(*Deposited Plan* " *A* ".)				
1 (*k*)	....	69 (part), Lower Parel Division.	Bounded on the North by land belonging to the B. B. & C. I. Railway Company, bearing Cadastral Survey No. 43; on the South and East by Plot No. 1(*a*) of the Flats and on the West by land belonging to the Corporation.	9,076	..	29,491	..
			Total ..	..	1,252,834	..	1,14,191
			THE KENNEDY SEA FACE. (*Deposited Plan* " *H* ".)				
2	....	7 Fort Division.	Bounded on the North, South and West by the Foreshore of Backbay and on the East by a public footpath.	4,447	..	..	..
			Total ..	..	4,447	..	..
			THE MARINE LINES ESTATES. (*Deposited Plan* " *J* ".)				
4(*a*)	....	718 to 725, 1416 to 1421, 1429 to 1433 and 1485, Fort Division.	Bounded on the North by the South side of the compound of Government Bungalow bearing Cadastral Survey No. 1436; on the East partly by the West Boundary of Government Plot reserved for Military purposes by Government Resolution No. 2-C. W. 4, dated 3rd January 1881, and partly by the West Boundary of Plot 4 (*b*) (Marine Lines Maidan); on the South by a portion of the North boundary of Plot No. 4 (*b*) (Marine Lines Maidan) and on the West by the Marine Lines Road (Marine Street) but excluding the two Roads giving access to the Maidan from the Marine Lines Road.	32,825	..	3,28,250	..

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount.
			THE WELLINGTON LINES PLOT.	Sq. yds.	Sq. yds.	Rs.	Rs.
			(*Deposited Plan " K ".*)				
5	....	14, 1/14, 15 and 16, 18 to 29, Fort Division.	Bounded on the North by Mayo Road; on the South-East by Wodehouse Road; on the East by Esplanade Road and on the West by the Cooperage Road, but excluding the site occupied by the Admiral's Bungalow.	44,038	..	4,40,880	..
			THE WODEHOUSE ROAD PLOT.				
			(*Deposited Plan " L ".*)				
6(*a*)	....	440 to 444, Colaba Division.	Bounded on the North-West by Wodehouse Road; on the South-East by Colaba Causeway and on the South and South-West by Convent Street.	9.404	..	..	..
6(*b*)	....	433 (part), 436 to 439, 1/439, 446 and 1/446 Colaba Division.	Bounded on the North-West by Wodehouse Road on the North and North-East by Convent Street; on the South-East by Colaba Causeway and on the South-West by Ormiston Street but excluding the sites occupied by— (1) The Elphinstone College Students' Quarters bearing Cadastral Survey No. 445 (part). (2) The Telang Memorial Quarters bearing Cadastral Survey No. 445 (part). (3) The Wesleyan Church and School under a lease dated 4th March 1925 bearing Cadastral Survey No. 438 (part). (4) The Wodehouse Road Police Accommodation Buildings bearing Cadastral Survey No. 435, and (5) The Temple bearing Cadastral Survey No. 434.	13,355	..	..	..
6(*c*)	....	425 to 429, Colaba Division.	Bounded on the North-West by Wodehouse Road; on the North-East by Ormiston Street; on the South East partly by the property of the Corportion bearing Cadastral Survey No. 431 and partly by the property of the Bombay Electrical Supply and Tramways Company, Limited bearing Cadastral Survey No. 430 and on the South by the B. B. & C. I. Railway land bearing Cadastral Survey No. 2 and the G. I. P. and B. B. & C. I. Railway sidings bearing Cadastral Survey No. 322.	18,731	..	..	
			Total, Wodehouse Road Plot ..	..	41,580	..	4,15,800
			THE HORNBY ROAD PLOT.				
			(*Deposited Plan " M ".*)				
		.vi-	Bounded on the North-East, South-East and South-West by property in the occupation of the Standard Life Assurance Company, bearing Cadastral Survey No. 698 and on the North-West by Bastion Road.	116	..	..	..
(*b*)	....	700 and 701, Fort Division.	Bounded on the North-East by premises known as the J. N. Petit's Institute bearing Cadastral Survey No. 102, on the South-East by Hornby Road, on the South-West by the property in the occupation of the Standard Life Assurance Company bearing Cadastral Survey No. 698 and on the North-West by Bastion Road.	1,339	..	..	..

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value, Amount.	Value, Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE HORNBY ROAD PLOT—*contd.*				
			(*Deposited Plan* " *M* ")—contd.				
7 (*c*)	....	740, 741, Fort Division.	Bounded on the North-East by the Parsi Lying in Hospital, bearing Cadastral Survey No. 742: on the South-East by Bastion Road; on the South-West by Cathedral Girls' School, bearing Cadastral Survey No. 739 and on the North-West by Prescott Road.	1,878	..	..	..
7 (*d*)	....	744, 745, Fort Division.	Bounded on the North-East by Outram Road; on the South-East by Hornby Road: on the South-West by property in occupation of Messrs. Whiteaway Laidlaw and Company, Limited bearing Cadastral Survey No. 743 and on the North-West by Bastion Road.	2,648	..	..	..
7 (*e*)	....	746 to 749, 752, 753, 757 to 760, 1397 to 1399, 1407 to 1410, Fort Division.	Bounded on the North-East by Ravelin Street; on the South-East by Hornby Road; on the South-West by Outram Road and on the North-West by Murzban Road, but excluding the sites of the Cathedral High School for Boys (Cadastral Survey No. 750) the Government Stores (Cadastral Survey No. 756) and Bastion Road (part of) and Home Street (part of) and Wallace Street.	26,124	..	..	..
7 (*f*)	....	1406, Fort Division.	Bounded on the North-East by the site of the Scottish Free Church (Cadastral Survey No. 1405): on the South-East by Murzban Road; on the South-West by Ravelin Street and on the North-West by Waudby Road.	2,971	..	..	..
7 (*g*)	....	1402 and 1404, Fort Division.	Bounded on the North-West by Murzban Road: on the South-West by the site of the Elphinstone Cricket Club, Quarters (Cadastral Survey No. 1401) and the Masonic Hall (Cadastral Survey No. 1403) and on the South by Ravelin Street.	762	..	..	..
7(*h*)	....	1389 and 1390, Fort Division.	Bounded on the North-West by Murzban Road; on the South-East by Hornby Road; on the South-West by private property bearing Cadastral Survey No. 1391 and on the West by Bastion Road and property bearing Cadastral Survey No. 1523.	3,257	..	..	..
7 (*i*)	....	1385, Fort Division.	Bounded on the North-East by Cruickshank Road; on the East by Hornby Road; on the South-East by Murzban Road. on the South-West by private property bearing Cadastral Survey No. 1386 and on the North-West by Waudby Road.	2,621	..	..	..
			Total, The Hornby Road Plot ..	..	41,616	..	8,32 320
			TRIANGNLAR PLOT SOUTH OF CRAWFORD MARKET.				
			(*Deposited Plan* " *N*".)				
8	....	1492, Fort Division.	Bounded on the North by Market Road; on the West by Hornby Road; and on the South-East by Phalton Road.	7 707	..	1,54,140	..
			Total ..	..	7,707	..	1,54,140

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total areas.	Value.	
						Amount.	Total Amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			PLOT NORTH OF MUNICIPAL OFFICES.				
			(Deposited Plan "O".)				
9	....	1451, Fort Division.	Bounded on the North by Gymnasium Road; on the South by Council Road; on the East by Hornby Road; and on the West by the Headquarters of the Bombay Volunteer Rifles. (Cadastral Survey No. 1450.)	6,811	..	2,04,330	..
			Total ..	..	6,811	..	2,04,330
			THE CHAUPATI WEST ESTATE.				
			(Deposited Plan "P".)				
10 (*a*) and 10 (*b*).	....	380, 1/380, 2/380, 2A/380, 3/380, 3A/380, 4/380, 4A/380 5/380, 6/380, 6A/380, 7/380 8/380, 8A/380, 9/380, 10/380, 11/380, 12/380, 13/380, 393, 394, 395, 1/395, 1A/395, 1B/395, 2/395, 3/395, 4/395, and 430, Malabar Hill Division.	(*a*) and (*b*) Bounded on the North partly by a public passage leading to Gibbs' Road and partly by land belonging to the Corporation bearing Cadastral Survey No. 437; on the South partly by the Sirri Road, partly by the Old Body Guard Lines (Cadastral Survey No. 392) and partly by private properties bearing Cadastral Survey No. 376 and 382; on the East partly by Babulnath Road and partly by the Old Body Guard Lines (Cadastral Survey No. 392); and on the West by an irregular line extending from where the public passage leading to Gibbs' Road meets the Gibbs' Road to the Sirri Road beyond which are situated properties bearing Cadastral Survey Nos. 437, 381, 374 and 375 but excluding the newly constructed 30 feet and 40 feet roads Dadyseth Road and the Municipal market which all are indicted on the plan by red dotted lines—a				
			(*a*) Land forming the Hill Slope ..	47,544	..	..	..
			(*b*) Building land ..	35,653	..	..	..
10 (*c*)	....	393 to 404, 426 to 429, Malabar Hill Division.	Bounded on the North by Babulnath 1st Cross Road; on the South by Queen's Road, Chaupati; on the West by Babulnath Road; and on the East by Harvey Road, but excluding Babulnath 2nd and 3rd Cross Roads.	21,615	..	2,16,150	..
10 (*d*)	....	424 (part) Malabar Hill Division.	Bounded on the North and West by Babulnath Road: on the South, by Babulnath 1st Cross Road: and on the East by private property bearing Cadastral Survey No. 424 (part).	232	..	2,320	..
10 (*e*)	....	407 (part). 417 to 420, Malabar Hill Division.	Bounded on the North partly by a 15feet service passage bearing Cadastral Survey No. 413 and partly by Babulnath Road: on the South partly by Chaupati Road and partly by private property bearing Cadastral Survey No. 407; on the East by private properties bearing Cadastral Survey Nos. 407 and 409 and on the West by Babulnath Road.	6,232	..	62,320	
			Total, The Chaupati West Estate ..	..	111,276	..	6,37,320

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area. Cadastral Survey.	Total area.	Value Amount	Value Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.

CHAUPATI EAST ESTATE.

(Near Charni Road Level Crossings).

(Deposited Plan "Q").

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area. Cadastral Survey.	Total area.	Value Amount	Value Total amount.
11	....	1510, 1/1510, 1512, 1513, 1571, Girgaum Division.	Bounded on the North by a low level road and beyond by French Bridge; on the North-West by a passage and beyond by private property bearing Cadastral Survey No. 1514; on the East and South-East by the B. B. & C. I. Railway Company's land: on the West by private properties bearing Cadastral Survey Nos. 1570, 4/1517, 1517, 1516, 1515 and 1514: and on the South-West by Queen's Road, Chaupati.	4,789	..	47,890	..
			Total ..	..	4,789	..	47,890

THE PAREL ESTATE.

(Deposited Plan "R")

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area. Cadastral Survey.	Total area.	Value Amount	Value Total amount.
12(A)	....	74 (part of) Parel-Sewri Division.	Bounded on the North partly by Bholwada Cross Road and partly by land bearing Cadastral Survey No. 74 (part) belonging to the Corporation; on the East by the Haffkine Institute compound bearing Cadastral Survey No. 330 and partly by the Nowroji Wadia Maternity Hospital bearing Cadastral Survey No. 212/74; on the South partly by the Nowroji Wadia Maternity Hospital, partly by King Edward Road and partly by the site of the Wadia Hospital for children and on the West partly by the land of the Corporation reserved for the widening of Bholwada Cross Road, and partly by the site of the Wadia Hospital for children.	31,504	..	..	..
12(B)	....	74 (part) Parel-Sewri Division.	Bounded on the North-East by King Edward Road; on the West and South-West by land belonging to the Corporation bearing Cadastral Survey No. 74 (part of).	800	..	..	..
12(C1)	....	74 (part) Parel-Sewri Division.	Bounded on the North-East by the Haffkine Institute Compound bearing Cadastral Survey No 330; on the East by the Municipal property bearing Cadastral Survey No. 74 (part); on the South partly by a passage bearing Cadastral Survey No. 324 and partly by the site of the Professors' quarters for the King Edward Memorial Hospital, partly by the play-ground for the King Edward Memorial Hospital partly by the Government House Gate Road and partly by the King Edward Memorial Hospital Compound; and on the West partly by the site of the Professors' quarters for the King Edward Memorial Hospital and partly by a portion of King Edward Road.	5,560	..	..	..
12(C2)	....	323, Parel-Sewri Division.	Bounded on the North by the site of the Professors' quarters, for the King Edward Memorial Hospital; on the East by a passage bearing Cadastral Survey No. 324; on the South by a private property bearing Cadastral Survey No. 322; and on the North-West by the play-ground for the King Edward Memorial Hospital.	373	..	..	..

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value	
						Amount,	Total amount.
				Sq. yds.	Sq. yds.	Rs,	Rs.
			THE PAREL ESTATE—*contd.*				
			(*Deposited Plan "R"*)—contd.				
12(D)	....	334, Parel-Sewri-Division.	Bounded on the North by private property bearing Cadastral Survey No. 332; on the South by private properties bearing Cadastral Survey Nos. 335, 336 and 337; on the East by a public passage, and on the West private properties bearing Cadastral Survey Nos. 329, 336 and 335.	403	..	..	..
12(E)	....	394, Parel-Sewri Division.	Bounded on the North by a passage bearing Cadastral Survey No. 324; on the South by private property bearing Cadastral Survey No. 395; on the East by private property bearing Cadastral Survey No. 400; and on the West partly by a passage bearing Cadastral Survey No. 324; and partly by private property bearing Cadastral Survey No. 395.	151	..	..	..
			(*Deposited Plan "S".*)				
12(F)	....	408 (part) of Parel-Sewri Division.	Bounded on the North-East by the Bacteriological Laboratory land bearing Cadastral Survey No. 408 (part of); on the South by private property bearing Cadastral Survey No. 414; on the East by Parel Tank Road; and on the West by private properties bearing Cadastral Survey Nos. 404 to 413.	5,131	..	..	..
12(G)	....	245, Parel-Sewri Division.	Bounded on the North partly by Parel Village Road and partly by private properties bearing Cadastral Survey Nos. 246 and 241; on the South by private property bearig Cadastral Survey No. 244; on the East by private properties bearing Cadastral Survey No. 241, 242 and 244 and on the West by private property bearing Cadastral Survey No. 246.	2,130	..	..	..
			(*Deposited Plan "G"*).				
12(H)	....	681, Parel-Sewri Division.	Bounded on the North-West by a passage bearing Cadastral Survey No. 658; on the South by Parel Tank Road, and on the North-East by private properties bearing Cadastral Survey Nos. 680, 677, 676 and 675.	1,144	..	..	..
			Total, The Parel Estate ..	..	46,696	..	1,40,088

[1]SCHEDULE X.

(See *section 91A.*)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE CONNAUGHT ROAD ESTATE.				
			(*Deposited Plan* " *A* ".)				
			Ward E.				
1A	7463 (1 to 4) 7464 (1 & 2) 7465 (1 to 3) 7466 (1 to 3) *Nil.* 7462 (5) 7462 (1). *Nil.*	700 to 705 .. 706, 695, 696, 699. Byculla Division.	Plot bounded on the North by property belonging to the New Great Eastern Spinning and Weaving Company bearing Cadastral Survey No. 797 : on the South partly by Sussex Road, partly by a Police Accommodation Scheme bearing adastral Survey No. 697 and Cartly by private property bearing Cadastral Survey No. 698; on the East by Cork Road; and on the West partly by Parel Road and partly by the aforesaid Police Accommodation Scheme, but omitting the site of Ulster Road	9,495	9,495	51,155	51,155
1B	*Nil.* 7448 (4) 7446 (2 to 4) ..	689 690 to 693 Byculla Division.	Plot bounded on the North by Sussex Road; on the South, by private properties bearing Cadastral Survey Nos. 682 to 687; on the East by private property bearing Cadastral Survey No. 688; and on the West by private properties bearing Cadastral Survey Nos 678 and 679.	4,267	..	25,602	..
1 (19)	7458 ..	2/672 Byculla Division.	Bounded on the North and West by a public passage; on the East by the property bearing Cadastral Survey No. 672; and on the South by Sussex Road.	96	4,363	480	26,082
			Total ..	..	13,858	..	77,237
			WEST AGRIPADA ESTATE.				
			(*Deposited Plan* " *B* ".)				
2A	4134 (1 to 5) 4104 (1 to 7) 4103 (1 to 6) 4101 (1 to 5) and (9 to 12) 4099 (1 to 15). 4107 (1 to 8) 4105 (1 to 7) 4106 (1 to 7) 4108 (1 to 7) 4146 (1 to 6) 4100, 4102, 4094 (1 to 6) 4539 (1 and 2), 4540 (1) 4553. 4553, ..	1602 to 1633, 1634, 1/1634, 2/1634, 3/1634 4/1634, 5/1634, 1635 to 1659, 1/1659, 2/1659, 3/1659, 4/1659, 5/1659, 6/1659, 1660, 1584, 1862, 1/1862. 1A/1862, 1B/1862, 1863, 1/1863, 1864, 1865, 1/1865, 2/1865, 2A/1865, 3/1865, 4/1865, 5/1865, 6/1865, 7/1865, 1866 to 1871, 1/1871, 2/1871, 3/1871, 3A/1871, 4/1871, 5/1871, 5A/1871, 6/1871, 7/1871, 8/1871.	Bounded on the North partly by the site of an old water course bearing Cadastral Survey No. 1903 and partly by Gell Street; on the South by Club Road; on the East partly by Moreland Road and partly by portion of Police Accommodation Scheme No. 19 bearing Cadastral Survey No. 1907 and on the West by plot D and beyond that by Lamington Road, but excluding the site of the portion of Police Accommodation Scheme No. 19 bearing Cadastral Survey No. 1901 and the sites of Rebsch Street, Souter Street, Club Back Road, Club Cross Road, Cirrus-Avenue, Motlibai Street, Reynolds Road, Wylie Road, Agripada Chawl Street and Gell Street (part of).	216,636	216,636	..	6,49,908

---

[1] This Schedule was inserted by Bom, 13 of 1933, s, 37.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			WEST AGRIPADA ESTATE—*contd.* (*Deposited Plan* " *B* ")—contd. *Ward E*—contd.				
	4554 (1) 4098 (8) 4091 (1 to 6). 4090 (1 to 7) and (10A). 4137 (1 to 5) 4148 (1) 4136 (1 to 4) 4135, 4145, 4134 (6 to 8) 4092 (1 to 12) 4141 (1 & 2) 4142 (1 & 2) 4139 (1 to 8) 4138, 4098 (1E) & 4093 (1A & 1B) 4093 (1AA) 4090 (8) 4094 (4, 4A).	1872 to 1875, 1/1876, 2/1876, 3/1876, 4/1876, 5/1876, 6/1876, 7/1876, 8/1876, 9/1876, 10/1876, 1877 (part), 1878 1/1878, 2/1878, 1879, 1880. 1/1880, 2/1880, 1881, 1882, 1888, 1902, 1/1902, 1908, 1909, 1911, 1912 Byculla Division.					
2B	4184, 4185 (6 to 8).	1599, 1/1599, 1600, 1/1600, 2/1600, 1601 Byculla Division.	Bounded on the North by private property bearing Cadastral Survey No. 1884, on the South by property of the B. B. and C. I. Railway Company bearing Cadastral Survey No. 1598: on the East by Lamington Road: and on the West by a passage but excluding the site of Jetha Street.	2,766	..	8,298	..
2C	4466(2) ..	1896 (part) 1897, 1899 Byculla Division.	Bounded on the North by the land belonging to the Indian Manufacturing Company Ltd., bearing Cadastral Survey No. 1896 (part): on the South by private property bearing Cadastral Survey No. 1900: on the East by Plot D and beyond that by Lamington Road and on the West partly by Arthur Road and partly by private Road bearing Cadastral Survey No. 1/1888 but excluding the site of the Police Accommodation Scheme No. 70.	3,958	..	8,578	..
2D	....	*Nil.*	Land reserved for widening of Lamington Road on its East and West sides.	5,866	5,866	..	..
			Total ..	..	228,721	..	6,66,784
			Deduct area resumed by the Corporation on 20th June 1906 out of Cadastral Survey No. 1877.	...	750	..	2,250
			Total, West Agripada Estate ..	..	227,971	..	6,64,534

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE CENTRAL AGRIPADA ESTATES. (*Deposited Plan "C".*) *Ward E.*				
3A	*Nil.*	2/1694 Byculla Division.	Bounded on the North by private property bearing Cadastral Survey No. 1853; on the South by the Municipal Urdu School bearing Cadastral Survey No. 1661, on the East by the land resumed by the Corporation bearing Cadastral Survey No. 1/1694; and on the West by Moreland Road.	190	..	760	..
3B	4067(part) .. *Nil.*	1664 and parts of 1663, 1689, 1691 and 1692, Byculla Division.	Bounded on the North partly by Sankli Street and partly by a service passage bearing Cadastral Survey No. 1663; on the South partly by private property bearing Cadastral Survey No. 1665 and partly by Ghellabhoy First Lane; on the East by private properties bearing Cadastral Survey Nos. 1689 (part), 1690, 1691 and 1692 (part); and on the West partly by Moreland Road and partly by private properties bearing Cadastral Survey Nos. 1665 and 1693.	2,721	2,911	9,768	10,528
			Total, Central Agripada Estate.	..	2,911	..	10,528
			THE EAST AGRIPADA ESTATE. (*Deposited Plan "D".*) *Ward E.*				
4A	7416 (1 to 6) 7413 (1 & 2) 7414 (1 & 2) 7411 (1 & 2) 7415 (1 to 3) 7412 (1 & 2)	1948 1961 to 1965, Byculla Division.	Plot bounded on the North by the Board's Mahar Chawls bearing Cadastral Survey No. 1928; on the West and South-West by Killedar Street; and on the East by Pais Street	35,478	..	..	4,27,509
4B	*Nil* 4373 (1 & 2) 4374 4375 4354 (1 to 3) 4353 (1 & 2).	1840 (part), 1842 1843 1922 Byculla Division.	Plot bounded on the North partly by land of the Board bearing Cadastral Survey No. 1840 (part of) and partly by private properties bearing Cadastral Survey Nos. 1827 to 1835; on the South by Tank Pakhady Street; on the East partly by a service passage, partly by private properties bearing Cadastral Survey Nos. 1923, 1924, 1839 and 1827 and partly by the land belonging to the Corporation bearing Cadastral Survey Nos. 1840 (part of); and on the West by Milk Street.	23,268	..	..	1,16,433

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE EAST AGRIPADA ESTATE—*contd.* (*Deposited Plan "D"*)—contd. *Ward E*—contd.				
40	4563 (1, 2, 2A, 2B & 2C).	1844, Byculla Division.	Plot bounded on the North by Tank Pakhadi Street, on the South by the Plot No. 6, belonging to the Corporation leased to Bai Hoorbai and a minor and bearing Cadastral Survey No. 1845; on the East by Water Street; and on the West by Plot No. 5 leased to the Municipality and bearing Cadastral Survey No. 1840 (part of).	7,139	7,139	94,484	94,484
			Total, East Agripada Estate ..	..	65,885	..	6,38,426

Showing Lands at Matunga (Deposited Plan "E").

Plot No.	F. Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
		Matunga Division.					
1	6613 p. 6642 p.	31/10 part 20/10 part.	Lands at Matunga	1,006	..	755	..
2	6658 (1) p.	25/10 part	Do.	36	..	33	..
3	6600 p. 6667 p.	16/10 part 34/10 part.	Do.	866	..	812	..
4	6643 (1) p. 6791 (1) p. 6789 p. 6778 p. 6707 p.	134/10 part 134/10D part.	Do.	7,984	..	5,988	..
5	6675 p. 6680 p.	50/10 part	Do.	268	..	201	..
6	6675 p. 6680 p.	50/10 part	Do.	1,226	..	916	..
7	6675 p. 6680 p.	50/10 part	Do.	2,730	..	2,047	..
8	6826 p.	137/10 part	Do.	104	..	78	..
9	6830 p. 7199 p.	138/10 part 137/10 part.	Do.	1,105	..	829	..
10	7174 p. 7172 p. 7171 (1) p. 7234 p.	149/10 part 144/10 part. 145/10 part. 146/10 part.	Do.	5,240	..	3,930	..
11	7235 (1) p. 7235 (2) p. 7235 (3) p.	99/10 part 100/10 part. 101/10 part.	Do.	572	..	429	..
12	7242 p. 7236 p. 7237 p. 7250 p. 7249 p.	112/10 part 113/10 part. 114/10 part. 116/10 part. 117/10 part.	Do.	2,349	..	1,762	..
13	7238 p. 7239 p.	111/10 part 112/10 part.	Do.	300	..	225	..
14	7239 p. 7251 p. 7252 p. 7240 p.	110/10 part 111/10 part. 118/10 part. 119/10 part.	Do.	239	..	179	..
15	7252 p. 7254 p. 7255 p.	119/10 part 120/10 part. 121/10 part.	Do.	480	..	360	..
16	7188 p. 7121 (4) p.	150/10 part 155/10 part.	Do.	4,196	..	6,293	..
17	7121 (4) p. 7123, 7124 p.	161/10 part 156/10 part. 155/10 part.	Do.	4,672	..	7,008	..
18	7124 p 7109 7111 p.	160/10 part 159/10 part. 158/10 part. 161/10 part.	Do.	2,720	..	2,040	..
19	7116 p. to 7120 p.	318/10 part	Do.	4,535	..	3,401	..
20	7113 p.	162/10 part	Do.	565	..	424	..
21	6835 (4) p.	180/10 part	Do.	92	..	69	..

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
		Matunga Division—contd.					
22	6835 (6) p. 6835 (5) p. 7053 p. 7032 p. 7049 p.	182/10 part 183/10 part. 188/10 part. 189/10 part. 192/10 part.	Lands at Matunga	11,154	..	16,731	..
23	7061 p.	199/10 part	Do.	409	..	614	..
24	7063 p. 7061 (6) p. 7061 (5) p. 7067 p.	169/10 part 170/10 part. 171/10 part. 172/10 part.	Do.	3,401	..	5,101	..
25	7064 p.	292/10 part 10 part.	Do.	170	..	255	..
26	7061 (1) p. 7061 (2) p. 7061 (3) p. 7062 (2) p. 7062 (1) p.	208/10 part 207/10 part. 209/10 part. 210/10 part. 211/10 part.	Do.	2,916	..	4,375	..
27	7373 p. 7374 p.	10/10 part 5/10 part.	Do.	617	..	925	..
28	7384 (4) p.	259/10 part	Do.	344	..	430	..
29	7384 (4) p. 7386 (2) p. 7388 (2) p.	259/10 part 260/10 part. 261/10 part.	Do.	1,708	..	2,136	..
30	7388 (2) p.	261/10 part	Do.	90	..	68	..
31	7393 p. 7397 p.	262/10 part 263/10 part.	Do.	1,850	..	1,387	..
32	7397 p.	263/10 part	Do.	455	..	455	..
33	7694 p.	372/10 part	Do.	37	..	46	..
34	7631 p. 7633 p. 7634 p. 7635 p.	379/10 part 378/10 part. 377/10 part.	Do.	565	..	177	..
35	7924 p. 7792 p. 7828 p.	405/10 part 13/10 part. 396/10 part. 816/10 part.	Do.	940	..	294	..
36	7827 p. 7826 p. 7825 p. 7796 p.	393/10 part 394/10 part. 395/10 part. 385/10 part. 384/10 part.	Do.	2,180	..	681	..
37	7825 p.	385/10 part	Do.	92	..	92	..
38	7846 p. 7847 p. 7848 p. 7831 p.	389/10 part 390/10 part. 392/10 part. 391/10 part.	Do.	440	..	165	..
39	7798 p. 7779 p.	784/10 part 483/10 part.	Do.	485	..	728	..
40	6958 p. 7416 p. 7417 p. 7422 p. 7423 p. 7424 p.	756/10 part 757/10 part.	Do.	425	..	319	..

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
		Matunga Division—contd.					
41	7410 p. 7411 p. 7016 p. to 7026 p. 7011 p.	755/10 part 754/10 part.	Lands at Matunga	2,291	..	1,718	..
42	7027 p. 7028 p.	754/10 part	Do.	360	..	277	..
43	7034 (1) p. 7035 p. 7034 (2).	753/10 part 752/10 part.	Do.	804	..	2,814	..
44	7031 (1) p. 7031 (2) p. 6836 (1) p.	693/10 part 692/10 part. 691/10 part.	Do.	1,186	..	1,779	..
45	6836 (1) p. 6836 (2) p. 6836 (3) p.	691/10 part 690/10 part. 689/10 part.	Do.	2,572	..	3,858	..
46	7132 p. 7128 p. 7129 p. 7141 (1) p.	615/10 part 614/10 part. 613/10 part.	Do.	2,093	..	1,570	..
47	7163 p.	515/10 part	Do.	260	..	195	..
48	6564 p. 6823 p.	511/10	Do.	924	..	1,385	..
49	6816 p. 6819 (2) p. 6595 p. 6579 p. 6580 p. 6800 p. 6801 p. 6804 p. 6806 p. 6794 p. 6589 p. 6623 (1) p. 6815 p. 6813 p. 6862.	800/10 part 814/10 part. 792/10 part. 792/10 part. 794/10 part of Matunga Division.	Do.	6,125	..	4,594	..
			Total; Lands at Matunga	..	86,187	..	90,984

[1]SCHEDULE Y.

(*see section 91A.*)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE NEPEAN SEA ROAD PLOT. (*Deposited Plan "A".*)				
1	....	2/583 (part of), Malabar Hill Division.	Bounded on the north-east by private property bearing Cadastral Survey No. 581; on the south-east by private property forming portion of this property bearing Cadastral Survey No. 583; on the south-west by private property bearing Cadastral Survey No. 582; and on the north-west by the Foreshore.	2,014	..	..	..
			Total, the Nepean Sea Road Plot ..	..	2,014	..	..
			THE COLABA RECLAMATION. (*Deposited Plan "B".*)				
2	....	82 to 86 parts of 87, 88, 1/88, 89 and 90, 91 to 97, parts of 98, 99, 100, 101 and 102, 103 to 105, 106 (part of), 107 to 111, 320, 321.	Bounded on the north-west by Cuffe Parade, on the south-west by Panday Road, on the north-east by the Junction of Cuffe Parade and Wodehouse Road; and on the south-east partly by an irregular line beyond which are situate the remaining portions of properties bearing Cadastral Survey Nos. 106, 102, 101, 100, 98, 99, 90, 89, 88, 1/88 and 87, and partly by Wodehouse Road, but excluding the sites of Khatau and Central Roads and of portions of Fazil and Kittridge Roads.	46,580	..	..	..
			Total, the Colaba Reclamation ..	..	46,580	..	..

[1]SCHEDULE Z.

(*see section 354X.*)

Plot No.	Cadastral Survey No.	Locality.	Description of Plot.	Cadastral Survey Area.	Terms of Lease.
				Sq. yds.	
			(*Deposited Plan "A"*).		
	707 Fort Division.	The Hornby Road Plot.	Bounded on the North by the John Cannon High School bearing Cadastral Survey No. 706; on the South by Cannon Road; on the East by Murzban Road; and on the West by Esplanade Road.	3,250	Ninety-nine years at a ground rent of one anna per sq. yard per annum, renewable for a further term of 99 years.

---

[1] This Schedule was inserted by Bom. 13 of 1938, s. 37.

[1]SCHEDULE ZZ.

(See *section 91A.*)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Total. Amount.	Value. Amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			DEPOSITED PLAN "B". *Body Guard Lines.*				
1(*b*) Part 1(*d*-1) Part	..	3/383, Tardeo Division.	Bounded on the north partly by plot 1 (*d*-1) and partly by plot 1(*b*); on the south by the junction of the 100 feet and 40 feet roads; on the east partly by the 40 feet road and partly by plot 1(*b*); and on the west by the 100 feet road.	30,000	..	..	..
			THE COOPERAGE PLOT. *(Deposited Plan "I".)*				
3	..	4, Fort Division.	Bounded on the North by the Band Stand Circle; on the South by Wodehouse Road on the East by Cooperage Road and on the West by Queen's Parade Road but excluding 88 square yards bearing Cadastral Survey No. 13 on which stands the statute of the late Mr. Justice Ranade.	58,044	..	..	..
			THE MARINE LINES MAIDAN. *(Deposited Plan "J".)*				
(*b*)	..	709, Fort Division.	Bounded on the North partly by the South Boundary of "Government Plot" bearing Cadastral Survey No. 728-C, reserved for Military purposes by Government Resolution No. 2-C. W., dated 3rd January 1881, and partly by Cadastral Survey No. 725 of the Marine Lines Estate; on the East partly by Mayo road, partly by the land belonging to the Corporation bearing Cadastral Survey No. 728; on the South by Church Gate Street, on the West partly by Marine Lines Road (Marine Street), and partly by Plot No. 4-A (Marine Lines Estate), but excluding the sites of the Gokhale and Montague Statues.	91,196	..	9,11,960	..

---

[1] This Schedule was inserted by Bom. 13 of 1933, s. 37.

[1]SCHEDULE AA.

(See *section 110D.*)

FORM OF DEBENTURE.

THE TRUSTEES FOR THE IMPROVEMENT OF THE CITY OF BOMBAY.

The 19

By virtue of the "The City of Bombay Improvement Trust Transfer Act, 1925" we, the Trustees for the Improvement of the City of Bombay, in consideration of the sum of Rupees paid to us by *A. B.* of , promise to pay to the said or order the said sum of Rupees after the date hereof, together with interest at the rate of per centum per annum, payable half yearly on the day of and the day of

Given under our common seal this day of 19 .

Common seal.

(Signature of two members of
Committee and the Chief Officer.)

[1]SCHEDULE BB.

(See *section 123A.*)

Rules regulating the form of accounts relating to improvement schemes, etc., and the manner in which they shall be kept.

1. The corporation shall keep a Capital Account and a General Account. There shall be credited to the Capital Account—

(*a*) all moneys received on account of loans taken by the corporation for the improvement of the city or by the Board of Trustees under the [2]City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, other than moneys temporarily borrowed in accordance with section 109C; Bom. IV of 1898. Bom. XVI of 1925.

(*b*) the proceeds of the sale or exchange of, or the compensation awarded under the Land Acquisition Act, 1894, for the acquisition by [3][the [4][State] Government] of any portion of the lands or buildings vested or vesting in the corporation by reason of the transfer to them of the property of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925 [5][, or acquired by the Corporation for any of the purposes of Chapter XII-A;]; Bom. XVI of 1925.

[6][(*bb*) the proceeds of any improvement or betterment charges levied under Chapter XII-A;]

---

[1] This Schedule was inserted by Bom. 13 of 1933, s. 37.

[2] The City of Bombay Improvement Act, 1898, was repealed by the City of Bombay Improvement Trust Transfer Act, 1925, which in its turn has been repealed by Bom. 13 of 1933.

[3] The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] These words were inserted by Bom. 34 of 1954, s. 32 (*1*) (*a*).

[6] Sub-clause (*bb*) was inserted *ibid*, s. 32 (*1*) (*b*).

(*c*) the proceeds of the sale or exchange of any moveable property of the corporation purchased by debit to the Capital Account ;

(*d*) fines or premia levied on granting leases, and sums paid in composition or part composition of rents under leases ;

(*e*) any surplus which the General Accounts shall disclose at the end of each financial year ;

(*f*) any other sum granted by [1][the [2][State] Government] and directed by them to be credited thereto ;

(*g*) any other sums which the standing committee, with the previous approval of the corporation, direct to be credited thereto.

2. The money credited to the Capital Account shall be held by the corporation in trust and shall be applied to—

(1) meeting the costs of [3][carrying out any of the objects of Chapter XII-A], including the costs of acquiring lands and the costs of constructing buildings required for carrying out any of the [4][purposes of the said Chapter] ;

(2) the repayment of all loans credited to the Capital Account ;

(3) expenses connected with or arising from the floatation of loans ;

(4) making good the deficit, if any, in the General Account, at the end of financial year, provided that the net aggregate amount which may be so debited to the Capital Account shall not exceed 20 per centum on the aggregate capital debt of the corporation in respect of improvement of the city ;

(5) advancing any sums necessary for the erection, equipment and maintenance of workshops, including tools and plant and transport equipment required generally for [5][carrying out any of the objects of Chapter XII-A] ;

(6) advancing loans in accordance with the provisions of section 354W [6][, 354WA or 354WB].

3. The scheduled values of the lands specified in Schedules W and X shall be included in the Capital Account both under receipts and expenditure, the scheduled values of the lands resumed in any year being reduced from both sides of the said account in that year.

4. The Capital Account shall show the total expenditure (including a proportionate charge for the cost of management), incurred by the corporation on each scheme separately, and shall also distinguish between the expenditure incurred on—

(*a*) the improvement of lands vested in the corporation and specified in Schedule W ;

(*b*) the improvement of lands vested in the corporation and specified in Schedule X ;

(*c*) lands referred to in Schedule Y.

5. There shall be credited to the General Account—

(1) all interest on the corporation's investments including loans advanced under section 354W [7][, 354WA or 354WB] but not interest on securities in which the sinking fund balances are invested ;

(2) all rents of lands vested in the corporation ;

(3) the net profit at the close of the year, if any, on sales of securities held by the corporation ;

---

[1] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word " Provincial " by Adaptation of Laws Order, 1950.

[3] These words were substituted for the words " framing and executing schemes in accordance with this Act " by Bom. 34 of 1954, s. 32 (*2*) (*a*) (*i*).

[4] These words were substituted for the words " purposes of this Act " *ibid*, s. 32 (*2*) (*a*) (*ii*).

[5] These words were substituted for the words " the execution of any scheme under this Act " *ibid*, s. 32 (*2*) (*b*).

[6] These figures, letters and word were inserted *ibid*, s. 32 (*2*) (*c*).

[7] These figures, letters and word were inserted *ibid*, s. 32 (*3*).

(4) three times the actual net realizations of the corporation in the preceding year under the head of General Tax of payments made in lieu of General Tax (including arrears and payments in advance) divided by the rate fixed for the General Tax for the said financial year :

[1][Provided that as respects the [2][seventeen] financial years commencing from the financial year 1942-1943, this clause shall have effect as if for the words " three times " the word " twice " were substituted.]

[3](5)* * * * * * * *

(6) all other receipts of the corporation which are not required to be credited to the Capital Account.

6. (1) The moneys credited to the General Account shall be applied by the corporation in payment of the following charges, namely :—

(*a*) all payments for interest and sinking fund charges due on account of any loan ;

(*b*) the amount of the cost of management apportioned to General Account as provided in rule 8 ;

(*c*) all other sums due by the corporation other than those required to be debited to the Capital Account.

(2) The surplus, if any, remaining at the end of each financial year after making the payments referred to in sub-rule (1), shall be credited to the Capital Account.

(3) On the recommendation of the standing committee, the corporation may advance any sums standing to the credit of the General Revenue Account to meet current Capital Expenditure, and the amount of any sums so advanced shall be adjusted in the accounts of the year in which such sums are advanced.

(4) There shall be debited to the General Account a sum of money equivalent to the sum which would have been payable by the Board of Trustees for the Improvement of the City of Bombay constituted under the [4]City of Bombay Improvement Trust Transfer Act, 1925, if the City of Bombay Municipal (Amendment) Act, 1933, had not been passed, in respect of rates and taxes levied under this Act upon lands and buildings vested or vesting in the corporation by reason of the transfer to the corporation of the powers, duties, assets and liabilities of the said Board of Trustees. Bom. XVI of 1925. Bom. XIII of 1933.

7. The General Account shall distinguish between all items included in the General Account according as such items are in respect of—

(1) lands vested in the corporation and specified in Schedule W ;

(2) lands vested in the corporation and specified in Schedule X ;

(3) lands situate within the limits specified in Schedule Y ;

(4) other lands and buildings vesting in the corporation.

8. The net cost of management including—

(*a*) the salaries and allowances of the Deputy Municipal Commissioner (Improvements), the acting Deputy Municipal Commissioner (Improvements) and the scheduled staff and charges on account of establishment employed on duties transferred to the corporation under the City of Bombay Municipal (Amendment) Act, 1933, [5][or undertaken for any of the purposes of Chapter XII-A] or in cases where establishment is partly employed on such duties and partly on others, a share of the cost of such establishment proportionate to the duties so transferred ; Bom. XIII of 1933.

(*b*) the expenses in connection with the Land Acquisition Officer ;

---

[1] This proviso was added by Bom. 3 of 1948, s. 3.

[2] This word was substituted for the word " twelve " by Bom. 6 of 1954, s. 3.

[3] Clause (5) was deleted by Bom. 21 of 1939, s. 2.

[4] The City of Bombay Improvement Trust Transfer Act, 1925, has been repealed by Bom. 13 of 1933.

[5] These words were inserted by Bom. 34 of 1954, s. 32 (4).

(*c*) pensions, gratuities and contributions by the corporation to the Provident Fund;

(*d*) office expenses, cost of audit, expenses of management of debt, losses on investments and other incidental expenses;

shall, in the first instances, be debited to the General Account and shall be apportioned at the close of each financial year between the Capital Account and the General Account in such proportion as the standing committee shall determine.

[1][SCHEDULE BBA.

Accounts to be maintained under section 123C.

1. The accounts to be kept under section 123C shall be maintained in the form of an Education Fund Account.

2. There shall be credited to the Education Fund Account all moneys received by, or on behalf of, and all sums contributable by the Corporation for the purposes of clause (*q*) of section 61, including:—

(*a*) all proceeds of the disposal of any property held by the Corporation for the purposes of the said clause;

(*b*) all rents received from the lease of any immovable property held for the purposes of the said clause;

(*c*) all fees and fines received in municipal schools (other than fines to which the provisions of section 120 apply);

(*d*) all interest or profit arising from any transaction effected with moneys held by the Corporation for the purposes of the said clause;

(*e*) all moneys received from the State Government or from any other source by way of contribution, gift or grant for the purposes of primary education; and

(*f*) the amount estimated by the Commissioner under sub-clause (*c*) of section 126C as revised by the Corporation under section 127.

3. There shall be debited to the Education Fund Account all the expenses incurred by the Corporation for the purpose of clause (*q*) of section 61 including:—

(*a*) the salary and allowances of the Education Officer;

(*b*) the salaries and allowances of all municipal officers and servants serving under the Education Officer in his office;

(*c*) the salaries and allowances of all masters, teachers and other persons employed in the primary schools maintained by the Corporation;

(*d*) the contributions to provident fund, pensions, gratuities and compassionate allowances payable by the Corporation to or in respect of, officers and servants employed, or formerly employed, in any of the capacities mentioned in sub-clause (*a*), (*b*) or (*c*);

(*e*) all costs and expenses incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him for the purposes of clause (*q*) of section 61, including moneys which he is required or empowered to pay by way of compensation;

(*f*) every sum payable under a decree or order of a civil or criminal court passed against the Corporation or against the Commissioner or the Education Officer *ex-officio* in any proceeding arising out of the activities of the Corporation undertaken for the purposes of clause (*q*) of section 61, or under a compromise effected under section 517 of any suit or other legal proceeding or claim in like circumstances ;

---

[1] Schedule BBA was inserted by Bom. 48 of 1950, s. 78.

(*g*) all interest and debt charges in respect of loans raised for the construction of school buildings or otherwise for the purposes of clause (*q*) of section 61 ; and

(*h*) all costs and expenses incurred on account of the maintenance of school clinics and of the medical inspection of school children.]

---

[1] SCHEDULE CC.

(See *Section 354S.*)

Portions of the Land Acquisition Act, 1894, regulating the acquisition of land [2] [*under Chapter XII-A*].

Part I—Preliminary, except clauses (*e*) and (*f*) of section 3.

Part II—Acquisition, except sub-section (*1*) of section 4, section 6 and sub-section (*2*) of section 17.

Part III—Reference to Court and Procedure thereon, except sub-section (*2*) of section 23 and clauses (6) and (7) of section 24.

Part IV—Apportionment of compensation.

Part V—Payment.

Part VI—Temporary occupation of land.

Part VIII—Miscellaneous.

---

[1] SCHEDULE DD.

(See *Section 354S.*)

Scale of Additional Compensation for compulsory acquisition for improvement purposes.

Amount of compensation awarded.	Percentage to be allowed in addition under section 354S.
Not exceeding ten thousand rupees, or, if the amount exceeds ten thousand rupees for the first ten thousand.	Six per cent.
Exceeding ten thousand, but not exceeding fifty thousand, for the amount by which it exceeds ten thousand.	Four per cent.
Exceeding fifty thousand rupees, but not exceeding one lakh, for the amount by which it exceeds fifty thousand.	Three per cent.
Exceeding one lakh, for the amount by which it exceeds one lakh.	Two and a half per cent.

---

[3] SCHEDULE EE.

(See *Section 136*).

Duties and Powers of the Municipal Chief Auditor.

1. (1) The municipal chief auditor shall audit the accounts of the corporation as hereinafter provided, with the assistance of the assistant auditors, clerks and servants appointed under section 78-B of this Act.

(2) In the discharge of his functions under this article the municipal chief auditor shall—

(*i*) audit the accounts of [4] *expenditure from the revenue of the corporation expenditure on account of loan works and [4] *expenditure incurred out of special funds and shall ascertain whether moneys shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it;

---

[1] This Schedule was inserted by Bom. 13 of 1933, s. 37.

[2] These words were inserted for the words "*for improvement purposes*" by Bom. 34 of 1954, s. 33.

[3] This Schedule was inserted by Bom. 2 of 1938, s. 9.

[4] The word "all" was deleted by Bom. 76 of 1948, s. 42.

(*ii*) audit the accounts of [1] *debt, deposit, sinking funds, advances, suspense and remittance transactions of the corporation and report upon those accounts and upon the results of verification of the balances relating thereto.

(3) The municipal chief auditor shall examine and audit the statements of accounts relating to the commercial services conducted in any department of the corporation, including the trading, manufacturing and profit and loss accounts, and the balance sheets where such accounts are maintained under the orders of the [2] [corporation, the standing committee or the Bombay Electric Supply and Transport Committee,] and shall certify and report upon these accounts.

(4) The municipal chief auditor shall, in consultation with the standing committee, and subject to any directions given by the corporation, determine the form and manner in which his reports on the accounts of the corporation shall be prepared and shall have authority to call upon any officer of the corporation to provide any information necessary for the preparation of these reports.

2. (1) The municipal chief auditor may make such queries and observations in relation to any of the accounts of the corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(2) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the chief auditor.

(3) The powers of the municipal chief auditor with regard to disapproval of, and the procedure with regard to settlement of objections to expenditure from the revenues of the corporation shall be such as may be prescribed by rules or orders made by the standing committee in consultation with the chief auditor and sanctioned by the corporation [3][in the case of expenditure debited to the municipal fund and by the Bombay Electric Supply and Transport Committee in the case of expenditure debited to the Bombay Electric Supply and Transport Fund].

3. If the municipal chief auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said offices for inspection.

4. The municipal chief auditor shall have power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him:

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.

5. The municipal chief auditor shall have authority to frame rules and to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

6. Sanctions to expenditure accorded by the municipal chief auditor shall be audited by an officer to be nominated by the corporation.

---

[1] The word "all" was deleted by Bom. 76 of 1948, s. 42.

[2] These words were substituted for the original by Bom. 48 of 1948, s. 60.

[3] These words were added, *ibid.*

[1][SCHEDULE FF.†

[Section 34 of the Bombay Municipal (Extension of Limits) Act, 1950.]

Special and Transitory Provisions.

1. All proceedings pending at the appointed date before a local authority in the suburbs or before any authority of such local authority which under the provisions of the Bombay Municipal Corporation Act, are required to be instituted before or undertaken by the Commissioner shall be deemed to be transferred to and continued by him and all other such proceedings shall, so far as may be, be deemed to be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of the said Act.

2. All appeals pending before any authority of a local authority in the suburbs at the appointed date shall, so far as may be practicable, be disposed of as if the suburbs had been included in Greater Bombay when they were filed.

3. All prosecutions instituted by or on behalf of a local authority in the suburbs and all suits or other legal proceedings instituted by or against such a local authority or any officer of such a local authority pending at the appointed date shall be continued by or against the Commissioner or the corporation, as the case may be, as if the suburbs had been included in Greater Bombay when such prosecution, suit or proceeding was instituted.

4. (1) All rights of every local authority in the suburbs shall, on the appointed date, vest in the corporation.

(2) All sums due to any local authority in the suburbs whether on account of any tax or any other account shall be recoverable by the Commissioner and, for the purpose of such recovery, he shall be competent to take any measure or institute any proceeding which it would have been open to the authority or officer of such local authority to take or institute if the Bombay Municipal Corporation Act had not come into force and the suburbs had not been included in Greater Bombay.

(3) All debts and obligations incurred and all contracts made by or on behalf of any local authority in the suburbs immediately before the appointed date and subsisting on the said date shall be deemed to have been incurred and made by the Commissioner in exercise of the powers conferred on him by the Bombay Municipal Corporation Act.

(4) In respect of the rights, dues, debts and obligations of the District School Board of the Bombay Suburban District and the District Local Board of the Bombay Suburban District pertaining exclusively to the area subject to their respective authority which is not included in Greater Bombay, this paragraph shall apply as if for the word " corporation " and the word " Commissioner " the words " District School Board of the Thana District or, as the case may be, the District Local Board of the Thana District " were substituted and as if the reference made to the Bombay Municipal Corporation Act, had been a reference to the Bombay Primary Education Act, 1947, or as the case may be, the Bombay Local Boards Act, 1923.

Bom. LXI of 1947. Bom. VI of 1923.

---

[1] Sch. FF was added by Bom 7 of 1950, s. 34.

† The provisions contained in this Schedule for regulating the matters relating to or arising in consequence of the extension of the limits subject to the authority of the municipal authorities constituted under the said Act and other matters relevant thereto shall be in operation as if enacted in the body of the Bombay Municipal Corporation Act.

5. (1) Save as provided in section 349E of the Bombay Municipal Corporation Act, any notification, notice, order, scheme, permit, licence, permission, rule, by-law or form made, issued, or granted under the Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925, the Bombay Local Boards Act, 1923, the Bombay Village Panchayats Act, 1933, and the Bombay Primary Education Act, 1947, before the appointed date shall, in so far as it is not inconsistent with the provisions of the Bombay Municipal Corporation Act, or the City of Bombay Primary Education Act, 1920, as the case may be, shall continue in force until it is superseded by any notification, notice, order, scheme, permit, licence, permission rule, by-law or form made, issued, or granted under the Bombay Municipal Corporation Act or the City of Bombay Primary Education Act, 1920, as the case may be.

Bom. III of 1901. Bom. XVIII of 1925. Bom. VI of 1923. Bom. VI of 1933. Bom. LXI of 1947. Bom. XV of 1920. Bom. XV of 1920.

(2) All assessments, valuations, measurements and divisions made under the Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925, the Bombay Local Boards Act, 1923, the Bombay Village Sanitation Act, 1889, or the Bombay Village Panchayats Act, 1933, shall, in so far as they are consistent with the provisions of the Bombay Municipal Corporation Act, be deemed to have been made under that Act.

Bom. III of 1901. Bom. XII of 1925. Bom. VI of 1923. Bom. I of 1889. Bom. VI of 1933.

(3) Subject to the provisions of sub-paragraphs (4) to (9) (both inclusive) all officers and servants in the employ of any local authority in the suburbs other than the District Local Board of the Bombay Suburban District and the District School Board of the Bombay Suburban District immediately before the appointed date, shall be officers and servants employed by the Corporation under the Bombay Municipal Corporation Act, and shall be entitled to terms of service not less favourable than those which they had immediately before the appointed date in the services of the respective local authorities.

(4) It shall be competent for the corporation or the Commissioner to employ the said officer or servant in any capacity which, in the opinion of the Corporation or the Commissioner, is suitable, having regard to the qualifications, experience and previous emoluments of the said officer or servant, irrespective of the nature of the post held by the said officer or servant before the appointed date ;

(5) The service rendered by such officers and servants before the appointed date shall be deemed to be service rendered in the service of the corporation ;

(6) It shall be competent to the Commissioner in the case of officers and servants whose monthly salary, exclusive of allowances, immediately before the appointed date was not more than five hundred rupees, or to the corporation in the case of other officers and servants, to discontinue the services of any officer or servant who in his or their opinion is not necessary or suitable to the requirements of the municipal service, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are so discontinued shall be entitled to such leave, pension or gratuity as he would have been entitled to take or receive on being invalidated out of service if the limits of the area subject to the authority of the corporation and other municipal authorities had not been extended over the suburbs.

(7) It shall be competent to the corporation to appoint the Chief Officers of the District Local Board of the Bombay Suburban District, the Bandra Borough Municipality, the Kurla Borough Municipality, the Parle-Andheri Borough Municipality and the Ghatkoper-Kirol Borough Municipality, or any one or more of such Chief Officers, with effect from the appointed date, to any appointments under the corporation for which they are in the opinion of the corporation qualified :

Provided that, unless a Chief Officer is so appointed he shall be given such leave, pension or gratuity as he would have received had he been invalidated out of the service of the local authority concerned if the limits of the area subject to the authority of the corporation and other municipal authorities had not been extended over the suburbs.

(8) The State Government may by order specify which officer or servant or class of officers or servants in the employ of the District Local Board of the Bombay Suburban District or the District School Board of the Bombay Suburban District immediately before the appointed date shall be taken over in the employ of the corporation, the District Local Board of the Thana District and the District School Board of the Thana District. On the issue of such order, the corporation, the District Local Board of the Thana District and the District School Board of the Thana District shall comply with such order and the provisions of sub-paragraphs (3) to (6) shall apply *mutatis mutandis* to such officers and servants.

(9) If any such officer or servant is aggrieved by any order passed by the corporation, the District Local Board of the Thana District or the District School Board of the Thana District, to the service of which such officer or servant is transferred under this paragraph, such officer or servant may appeal to the State Government.

Bom. LXI of 1947. Bom. XV of 1920.

6. Every scheme of compulsion sanctioned or deemed to be sanctioned under the Bombay Primary Education Act, 1947 and which is in force in any area of the suburbs immediately before the appointed date shall have effect as if a declaration had been made by the corporation in respect of such area under section 3 of the City of Bombay Primary Education Act, 1920.

Bom. I of 1915.

7. Notwithstanding anything contained in the Bombay Town Planning Act, 1915, any scheme made or sanctioned or any proceedings undertaken in respect of any area in the suburbs under the said Act shall be deemed to have been made or undertaken by or in respect of the corporation as a local authority under the said Act.

Bom. IV of 1902.

8. Any direction given by the Chief Presidency Magistrate under section 45 of the City of Bombay Police Act, 1902, to a municipality in the suburbs before the appointed date shall be deemed to be a direction given to the Commissioner under the said section for the purpose of making recoveries under the said section.

Bom. XXV of 1930.

9. The provisions of the Bombay Local Fund Audit Act, 1930, shall continue to apply in respect of the audit of the accounts of the local authorities in the suburbs for the period up to the date immediately preceding the appointed date and of all other matters connected with, or arising out of, such audit as if the limits of the area subject to the authority of the corporation and other municipal authorities under the Bombay Municipal Corporation Act had not been extended over the suburbs :

Provided that all references in the said Act to the Chairman of the local authority or to the local authority shall be deemed to be references to the Commissioner.

10. (1) The corporation shall, within a period of six months from the appointed date, divide the suburbs into such number of wards with such boundaries as it may consider suitable and shall apportion eighteen councillors among the said wards.

(2) The wards so delimited, together with the wards into which the city had been divided under section 24 of the Bombay Municipal Corporation Act, immediately before the appointed date shall, subject to the provisions of sub-section (*2*) of the said section, constitute the wards into which Greater Bombay is divided on and from the appointed date for all purposes.

(3) In the event of failure by the corporation to take action as required by sub-paragraph (1) within the period prescribed therein, the State Government may appoint some person for the purpose of taking such action and, on such appointment, the provisions of sub-section (3) of section 518 and of section 520 of the said Act shall apply, as far as may be.

11. The following special provisions shall apply for filling the eighteen seats of councillors apportioned among the wards constituted or to be constituted under paragraph 10 for the suburbs until the holding of the first general ward elections of councillors next after the appointed date, namely :—

(*a*) The persons holding the office of councillor or member, as the case may be, of the local authority specified in the following table on the date immediately preceding the appointed date shall elect from amongst the councillors or members, as the case may be, of the respective local authority, the number of councillors shown against it in the said table in the manner prescribed in paragraph 12 :—

	Name of the local Authority.	Number of councillors to be elected by the councillors or members of the local authority.
1.	Bandra Borough Municipality	6
2.	Parle-Andheri Borough Municipality	3
3.	Ghatkopar-Kirol Borough Municipality	2
4.	Juhu Municipality	1
5.	District Local Board, Bombay Suburban District ..	3

(*b*) The corporation shall, as soon as conveniently may be after the councillors elected under sub-paragraph (*a*) have taken office, appoint in such manner as it may determine three persons from amongst the persons who are enrolled in the municipal election roll of the Kurla Municipal Borough in operation on the date immediately before the appointed date to be councillors, subject to the provisions of section 16 of the Bombay Municipal Corporation Act.

12. With respect to the election of councillors for the purposes of sub-paragraph (*a*) of paragraph 11 the following provisions shall have effect, namely—

(*a*) the Commissioner shall, in respect of the election of councillors by the councillors or members of each local authority specified in the said sub-paragraph (*a*) within fifteen days of the appointed date, by advertisement in the local newspapers fix a date for the nomination of candidates, a date, time and place for the recording of votes in the event of contested elections, and a date, time and place for the counting of votes :

Provided that the date fixed for the nomination of candidates shall not be earlier than ten days after the date of the notice :

Provided further that a copy of the notice shall be sent by registered post to the last known address of each person referred to in sub-paragraph (*a*) of paragraph 11 concerned with the election;

(*b*) the nomination paper shall be in form A appended hereto and shall be signed and subscribed by two persons entitled to vote at the election as proposer and seconder and shall bear the signature of the person nominated in token of his willingness to be so nominated;

(*c*) every nomination paper signed and subscribed as aforesaid shall be delivered in the Commissioner's office before five o'clock in the afternoon of the day fixed for the nomination of candidates;

(*d*) each candidate must be nominated by a separate nomination paper, but any person entitled to vote at an election may subscribe as many nomination papers as there are vacancies to be filled but no more;

(*e*) if any person subscribes more nomination papers than there are vacancies to be filled, the nomination papers received after the receipt of the maximum permissible number and subscribed by such person shall be deemed to be invalid;

(*f*) if any person nominated is not eligible for election under paragraph 11, the Commissioner shall declare such person's nomination invalid;

(*g*) if there is no valid nomination, it shall be deemed that there has been a failure to elect in respect of the vacancy or vacancies in question;

(*h*) if the number of valid nominations is less tnan that of the vacancies, the persons validly nominated shall be deemed to be elected and for the remaining vacancy or vacancies, it shall be deemed that there has been a failure to elect;

(*i*) if the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected;

(*j*) if the number of valid nominations exceeds that of the vacancies, the Commissioner shall by advertisement in the local newspapers publish the names and descriptions of the persons validly nominated and votes shall be taken, for the election of councillors on the date fixed for the purpose;

(*k*) votes shall be recorded by ballot in form B appended hereto and in person and no votes shall be received by proxy;

(*l*) no votes shall be recorded for any person whose name has not been published under sub-paragraph (*j*) as being validly nominated;

(*m*) every voter shall have as many votes as there are councillors to be elected at the election and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit;

(*n*) the candidate, or where there is more than one councillor to be elected, the candidates not exceeding the number of councillors to be elected who have the greatest number of valid votes shall be declared to be elected:

Provided that where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the determination of the candidate or candidates to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine;

(*o*) every candidate and not more than one representative of every candidate authorised by him in this behalf shall be allowed to be present at the counting of votes and shall be given reasonable opportunity, after the ballot papers have been distributed for counting, to inspect without handling the ballot papers and to question the correctness of the rejection of any ballot paper;

(*p*) in any matter not specifically provided for in this paragraph, the procedure to be followed in respect of the election shall, as far as may be, be in accordance with the procedure followed in ward elections under the provisions of the Bombay Municipal Corporation Act, and the rules made under section 29 thereof;

(*q*) the result of every election shall be declared by fixing, as soon as may be, in some conspicuous place on the chief municipal office, a notice signed by the Commissioner certifying the names of the candidates, if any, elected and in the case of a contested election, the number of votes recorded for each candidate;

(*r*) the names of all candidates elected to be councillors under this paragraph shall be published by the Commissioner in the *Official Gazette* and, on such publication such candidates shall be deemed to come into office.

13. In the event of a failure to elect or in the event of the election of any councillor being set aside and there being no other candidate who can be deemed to be elected in his place, the corporation shall, in such manner as it may determine, appoint a person who would have been eligible to be elected as a councillor in the vacancy under sub-paragraph (*a*) of paragraph 11 to be a councillor and such person shall be deemed for all purposes to have been elected to be a councillor.

14. Councillors elected or appointed under the provisions of paragraph 11, 12 or 13 shall, subject to the provisions of the Bombay Municipal Corporation Act, hold office for the same period as the councillors who came into office on the first day of April 1948.

15. In the event of the office of any councillor elected or appointed under the provisions of paragraph 11, 12 or 13 becoming vacant for any reason before the expiry of the term specified in paragraph 14 the vacancy shall be filled, as soon as may be, by the election or appointment, as the case may be, of a duly qualified person thereto and the provisions of paragraph 11, 12 or 13 shall apply, as far as may be, to such election or appointment:

Provided that if the office of any councillor becomes vacant within four months of the date on which the term of office prescribed in paragraph 14 is due to expire, it shall not be necessary to fill such vacancy.

16. (1) If any dispute arises regarding the validity of any election or appointment held or made under the provisions of this Schedule the provisions of section 33 of the Bombay Municipal Corporation Act, shall apply as far as may be, for the purpose of the determination of the dispute as if the election or appointment were an election under the provisions of that Act.

(2) Every election or appointment not called in question in accordance with the provisions of the said section shall be deemed to have been to all intents a good and valid election or appointment.

17. (1) For [1][the period beginning with the appointed date and ending with the 31st day of March 1951,] but subject to the provisions of sub-paragraphs (3), (4) and (5), all taxes imposed by any local authority in the suburbs and levied immediately before [2][the appointed date] within the limits of the area subject to

---

[1] These words and figures were substituted for the words "a period of one year from the appointed date" by Bom. 30 of 1951, s. 7(*1*) (*a*).

[2] These words were substituted for the words "the said date", *ibid.*

the local authority shall, unless the corporation otherwise determines, continue to be levied and collected within such limits by the corporation in lieu of the taxes leviable under the Bombay Municipal Corporation Act, and notwithstanding the absence of provision in the said Act for the levy of any of the taxes leviable under this sub-paragraph, and for the purpose of the assessment and collection of the taxes so leviable, the Commissioner shall have all the powers which would be exercisable by a local authority, or any authority or officer of a local authority, but for the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 :

Bom. VII of 1950.

Provided that the State Government may, at the request of the corporation, from time to time, by notification in the *Official Gazette*, extend the period for which the taxes leviable under this sub-paragraph may continue to be levied but not so as to extend the period for such continued levy after the expiry of two years from the appointed date.

(2) Nothing in sub-paragraph (1) shall authorise the levy of any tax which the State Legislature would not be competent to impose in the State.

(3) Town duties shall be levied in accordance with the provisions of the Bombay Municipal Corporation Act, for the whole area of Greater Bombay and no octroi or terminal tax shall be levied in any area in the suburbs on and after the appointed date.

(4) The corporation may, with the sanction of the State Government, increase the rate of any tax levied under sub-paragraph (1) if at any time during the period therein referred to it deems fit to do so for the purpose of complying with the provisions of section 134 of the Bombay Municipal Corporation Act.

(5) The Corporation may, at any time [1][during the period referred to in sub-paragraph (1)] after public notice of not less than one month, levy taxes in the suburbs in accordance with the provisions of the Bombay Municipal Corporation Act, and on and from the date of the commencement of such levy the provisions of sub-paragraph (1) shall cease to operate in the suburbs or area or areas in the suburbs, as the case may be, except for the purpose of collecting or assessing any amount which became due prior to such date.

[2][17A. (1) Subject to the provisions of this paragraph, with effect from the 1st day of April 1951 property taxes shall be levied on buildings and lands in the suburbs in accordance with the provisions of the Bombay Municipal Corporation Act.

Bom. III of 1888.

(2) On all buildings and lands in the areas specified in List I hereto appended and on the buildings and lands occupied for industrial purposes in the areas specified in List II hereto appended, the general tax shall be levied for the following periods and at the following rates, namely :—

(*i*) For the period from the 1st day of April 1951 to the 31st day of March 1954, at the rate of ten per centum of their rateable value in each year ;

---

[1] These words were inserted by Bom. 30 of 1951, s. 7 (*1*)(*b*).

[2] This paragraph was inserted, *ibid*, s. 7 (*2*).

(*ii*) For the period from the 1st day of April 1954 to the 31st day of March 1956, at the rate of twelve per centum of their rateable value in each year;

(*iii*) From the 1st day of April 1956, at such rate as may be determined by the Corporation under section 128 of the said Act.

(3) On all buildings and lands in the areas specified in the said List II (other than the buildings and lands occupied for industrial purposes), the general tax shall be levied for the following periods and at the following rates, namely:—

(*i*) For the period from the 1st day of April 1954 to the 31st day of March 1956, at the rate of eight per centum of their rateable value in each year;

(*ii*) For the period from the 1st day of April 1956 to the 31st day of March 1958, at the rate of ten per centum of their rateable value in each year;

(*iii*) For the period from the 1st day of April 1958 to the 31st day of March 1960, at the rate of twelve per centum of their rateable value in each year;

(*iv*) From the 1st day of April 1960, at such rate as may be determined by the Corporation under section 128 of the said Act.

(4) Without prejudice to any exemption admissible under sub-section (*1*) of section 143 of the said Act, the following buildings and lands shall, notwithstanding anything contained in the foregoing sub-paragraphs, be exempted from the levy of the general tax during the period respectively specified in each case, namely:—

(*i*) All buildings and lands in the areas specified in the said List II (other than the buildings and lands occupied for industrial purposes) during the period from the 1st day of April 1951 to the 31st day of March 1954;

(*ii*) All buildings and lands in the areas specified in the said List I, the rateable value of which does not exceed Rs. 75 in a year—during the period from the 1st day of April 1951 to the 31st day of March 1956;

(*iii*) All buildings and lands in the areas specified in the said List II, the rateable value of which does not exceed Rs. 75 in a year—during the period from the 1st day of April 1954 to the 31st day of March 1960.

(5) For the purposes of this paragraph—

(*a*) the expression "building or land occupied for industrial purpose" shall include every premises occupied or used as a factory as defined in the Factories Act, 1948, but shall not include any premises exclusively used for a cottage industry; and LXIII of 1948.

(*b*) the expression "cottage industry" means any industry carried on by a worker in his own home.

LIST I.

The areas within the limits of the following villages:—

(1) Borle.
(2) Chakala.
(3) Deonar.
(4) Hariali—portion lying west of the G. I. P. Railway line.
(5) Kondivate (Bamanpuri).
(6) Majas.
(7) Marol.

(8) Mohili.
(9) Oshivra.
(10) Versova village (Vesava).
(11) Vikroli—portion lying west of the G. I. P. Railway line.
(12) In the villages of Chembur and Vadawli, the area occupied by the camp for displaced persons as specified below :—

Village.	Survey No.	Hissa No.	Area.		
			A.	g.	a.
Vadawli	S. S. III part	....	3	11	3
Do.	98 A2	....	0	20	15
Do.	89	....	0	8	0
Do.	97A	....	0	1	4
Do.	98A	4	1	11	14¼
Do.	98A	1 Part	0	24	3
Do.	85	1	1	4	8
Do.	86	1	0	12	8
Do.	86	4	0	8	12
Do.	86	6	0	0	4
Do.	87	2	0	13	0
Do.	87	4	0	34	0
Do.	98A	2	0	4	5
Do.	98A	1 Part	0	18	8¼
Do.	N.A. 100/B	....	0	11	0
Do.	N.A. 98 B	2 part	0	2	0
Do.	88	....	0	31	4
Do.	85	2	0	4	0
Do.	85	3 part	0	3	0
Do.	86	2	0	10	0
Do.	86	5	0	7	8
Do.	87	1	1	3	0
Do.	87	3	0	15	4
Do.	87	5	0	2	4
Do.	98A	3 part	0	37	4
Do.	86	3	0	10	4
Do.	50	1	0	9	12
Do.	51	2	0	27	12
Do.	52	2	0	36	12
Do.	96	1	0	35	0
Do.	97B	2	0	8	8
Do.	50	2	0	22	8
Do.	52	3	0	37	12
Do.	51	1 part	0	26	0
Do.	51	3	0	12	4
Do.	51	1 part	0	2	8
Do.	97B	1	0	10	0
Do.					

Village	Survey No.	Hissa No.	Area		
			A.	g.	a.
Chembur	N. A. 34 part	....	0	22	0
Do.	N. A. 34 part	....	1	11	0
Do.	180 part	....	0	8	4
Vadawli	90A 90B S. S. III	....	6	2	8
Chembur	407 (part) 177 (part)				
Vadawli	S. S. III	....			
	part (120)	....	1	8	0
	part (121)	....	0	10	0
	part (122)	....	6	32	0
	part (123)	....	1	20	0
Vadawli	90 part	....	0	4	0
Do.	177A 177 B 1 part 177B 2 part S. S. No. III Chembur.	....	25	25	0
	Government Lands.				
Vadawli	P. W. D. Bungalow	....	0	16	12
	S. S. III part	....	0	30	0
	S. S. III Part	....	0	16	0
	C. S. Rly. Part	....	2	32	0

LIST II.

The areas within the limits of the following villages :—

(1) Ambivali (excluding the portion included in the former Parle-Andheri Borough Municipality).

(2) Anik.

(3) Asalpe (Asap).

(4) Bandivali (excluding the portion included in the former Parle-Andheri Borough Municipality).

(5) Bapnala.

(6) Bandup—Portion lying east of the G. I. P. Railway line.

(7) Brahmanwada.
(8) Chendavali.
(9) Hariali—Portion lying east of the G. I. P. Railway line.
(10) Kanjur—Portion lying east of G. I. P. Railway line.
(11) Kirol—Khalai.
(12) Kole-Kalyan (excluding the portion included in the former Bandra Borough Municipality and the Aerodrome Area).
(13) Kopri.
(14) Madh.
(15) Mahul.
(16) Manbudruk.
(17) Mandala.
(18) Mankhurd.
(19) Maravli.
(20) Mogre (excluding the portion included in the former Parle-Andheri Borough Municipality).
(21) Mulgaon.
(22) Nanala.
(23) Parajpur.
(24) Paspoli,
(25) Pawai.
(26) Saki.
(27) Shahar.
(28) Tirandaz.
(29) Trombay.
(30) Tungve.
(31) Vadawli (excluding the area included in List I).
(32) Vikroli—Portion lying east of the G. I. P. Railway line.
(33) Vyaroli.].

18. (1) Budget estimate " D " for the official year commencing on the first day of April 1950 shall be prepared and placed before the corporation as soon as may be and shall be adopted by the corporation before the expiry of four months from the appointed date.

(2) It shall be competent for the Commissioner for a period not exceeding four months from the appointed date to incur such expenditure in connection with the municipal government of the suburbs as, having regard to all the provisions of the Bombay Municipal Corporation Act, he considers necessary and proper, subject to a schedule of authorised expenditure under major heads of account which shall be prescribed by the standing committee :

Provided that such schedule shall cease to operate as soon as the corporation finally adopts budget estimate " D " for the official year commencing on the first day of April 1950.

19. If any difficulty arises in giving effect to the provisions of the Bombay Municipal Corporation Act, the State Government may, as occasion arises, by order do anything which appears to it necessary for the purpose of removing the difficulty.

Provided that no order shall be made under this paragraph after the expiry of two years from the appointed date.

FORM A.

[*See* paragraph 12 (*b*).]

Nomination paper.

Name of local authority of which candidate, proposer and seconder were councillors or members.

Name of candidate.

$\frac{\text{Father's}}{\text{Husband's}}$ name.

Name of the proposer.

Name of the seconder.

Signature of the seconder.

Declaration by candidate.

I hereby declare that I agree to this nomination.

Date (Signature of candidate.)

(To be filled in by the Commissioner.)

Certificate of Delivery.

Serial No.

This nomination paper was delivered to me at my office at (date and hour)

(Signature of the Commissioner.)

FORM B.

[*See* paragraph 12 (*k*).]

FORM OF BALLOT PAPER.

Form of front of ballot paper.

COUNTERFOIL.

Serial No.

Local authority (enter the name of authority from which election is being made).

Name of voter.

Signature or thumb impression of voter.

OUTERFOIL.

Name of candidate.	Cross.

Note.—It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the cage containing the names of the candidates and spaces for recording votes.

BACK OF OUTERFOIL.

1. You have Vote(s).

2. The vote is shown by a cross mark (X) Each mark means one vote.

3. Do not put more than........cross (es) in all on the paper.

4. You may give all your votes to one candidate or distribute them among the candidates as you think fit.

Serial No.]

[1]SCHEDULE GG.

Validity and date of operation of certain orders.

1. So soon as may be after a compulsory acquisition order or a clearance order has been confirmed by the State Government, the Commissioner shall publish simultaneously in the *Officiel Gazette* and in three or more newspapers circulating within Greater Bombay a notice stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the plan referred to therein may be seen at all reasonable hours.

2. Any person aggrieved by such an order as aforesaid, or by the State Government's approval of are development plan or of a new plan may, within six weeks after the publication of notice of confirmation of the order, or of the approval of the plan, prefer an appeal to a Judge of the City Civil Court, Bombay, whose decision shall be final.

3. Where any such appeal is duly made, the Court—

(i) may by interim order suspend the operation of the order or the approval of the plan, either generally or in so far as it affects any property of the appellant until the final determination of the appeal; and

(ii) if satisfied upon hearing of the appeal that the order or the approval of the plan, is not within the powers of this Act or that the interests of the appellant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order, or the approval of the plan, either generally or in so far as it affects any property of the appellant.

---

[1] Schedules GG, HH and II were inserted by Bom. 34 of 1954, s. 34.

4. Subject to the provisions of the last preceding clause the order, or the approval of the plan, shall become operative at the expiration of six weeks from the date on which notice of confirmation of the order or of the approval of the plan is published in accordance with the provisions of this Act.

5. So soon as may be after a compulsory acquisition order or a clearance order has become operative the Commissioner shall serve a copy thereof on every person on whom a notice was served by him of his intention to submit the order to the State Government for confirmation.

SCHEDULE HH.

Compulsory acquisition orders.

1. A compulsory acquisition order shall describe by reference to a plan the land to which it applies.

2. Before submitting the order to the State Government, the Commissioner shall—

(*a*) publish simultaneously in the *Official Gazette* and in three or more newspapers circulating within Greater Bombay, a notice stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the plan referred to therein may be seen at all reasonable hours; and

(*b*) serve on every person whose name appears in the Commissioner's assessment book as primarily liable for the payment of the property taxes leviable under this Act on any land or building to which the order relates a notice stating the effect of the order and that it is about to be submitted to the State Government for confirmation and specifying the time (being not less than twenty-one days) within which objections thereto can be made to the Commissioner.

3. Upon compliance with the foregoing provisions with respect to the publication and service of notices of the compulsory acquisition order, the Commissioner shall submit to the Improvements Committee any objections received under clause 2 of this Schedule and any suggestions he may wish to make in that respect.

4. The Improvements Committee shall after consideration of any such objections and suggestions make such modifications in respect of the order as they think fit and the Commissioner shall thereafter submit the order as modified by the Improvements Committee to the State Government for confirmation.

SCHEDULE II.

(*See* section 354 SA.)

Constitution and powers of compensation Tribunal.

Constitution of Tribunal. 1. (1) The Tribunal shall consist of a President and two assessors.

(2) The President of the Tribunal shall be such Judge of the Bombay City Civil Court as may, after consultation with the High Court, be selected by the State Government.

(3) The assessors shall be appointed by the State Government.

(4) Each assessor of the Tribunal shall receive such remuneration as the State Government may determine. The remuneration shall be paid by the Corporation to the President of the Tribunal for distribution.

Rules of procedure to be made by State Government.

V of 1908.

2. (1) The State Government may, by notification in the *Official Gazette*, make rules, not inconsistent with the Code of Civil Procedure, 1908, for the conduct of business by Tribunals established under this Act.

(2) All such rules shall be subject to the condition of previous publication.

Award of Tribunal how to be determined.

3. (1) For the purpose of determining the award to be made by the Tribunal under the Land Acquisition Act—

(*a*) if there is any disagreement as to the measurement of land or the amount of compensation or costs to be allowed or the determination of betterment charges, the opinion of the majority of the members of the Tribunal shall prevail;

(*b*) questions relating to the determination of the persons to whom the compensation is payable, or the apportionment of compensation, may be tried and decided in the absence of the assessors, if the President of the Tribunal considers their presence unnecessary; and, when so tried and decided, the decision of the President shall be deemed to be the decision of the Tribunal;

(*c*) notwithstanding anything contained in the foregoing clauses (*a*) and (*b*), the decision on all questions of law and procedure shall rest solely with the President of the Tribunal.

(2) The President of the Tribunal may obtain proof of facts by affidavits, summon witnesses and enforce their attendance, may compel the production of documents, issue commissions for the examination of witnesses by the same means and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908.

V of 1908.

(3) The proceedings before the Tribunal shall be deemed to the judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.]

XLV of 1860.

[1][SCHEDULE JJ.

(*See* sections 398, 406 and 461).

I. Fibres—
  (1) Cotton (ginned and unginned).
  (2) Sanhemp.
II. Cereals—
  (1) Wheat
  (2) Paddy (husked and unhusked).
  (3) Jowar.
  (4) Bajri.
  (5) Nagli.
  (6) Vari.
  (7) Kodra.
  (8) Maize.
  (9) Sarsav.
  (10) Bavto.
  (11) Barley.
  (12) Banti.
  (13) Chino.

---

[1] This schedule was inserted by Bom. 54 of 1955, s. 12.

III. Pulses—
(1) Tur.
(2) Gram.
(3) Udid.
(4) Mung.
(5) Val.
(6) Chola.
(7) Lang.
(8) Math.
(9) Peas.
(10) Kulthi.
(11) Splits (Dal) of pulses.
(12) Masur.

IV. Oilseeds—
(1) Groundnut (shelled and unshelled).
(2) Linseed.
(3) Sesamum.
(4) Safflower.
(5) Ambadi.
(6) Cocoanut.
(7) Cotton seed.
(8) Castor seed.
(9) Khursani.
(10) Niger seed.

V. Narcotics—
Tobacco.

VI. Gul, sugar and sugarcane.

VII. Fruits—
(1) Mango.
(2) Mosambi.
(3) Santra.
(4) Lemon.
(5) Banana.
(6) Grapes.
(7) Pomegranate.
(8) Fig.
(9) Chickoo.
(10) Strawberry.
(11) Melons.
(12) Water Melon.
(13) Papaya.
(14) Guava
(15) Bor.
(16) Falsa.

VIII. Vegetables—
(1) Potato.
(2) Onion.
(3) Tomato.
(4) Suran.
(5) Leafy and fresh vegetables.
(6) Yam.
(7) Sweet potatoes.
(8) Kechara.

IX. Animal Husbandry Products—
(1) Eggs.
(2) Poultry.
(3) Cattle.
(4) Sheep.
(5) Goat.
(6) Wool.
(7) Butter.
(8) Ghee.
(9) Milk.

X. Condiments, spices and others—
(1) Turmeric.
(2) Ginger.
(3) Garlic.
(4) Corriander.
(5) Chillies.
(6) Cardamom and pepper.
(7) Variali.
(8) Betelnuts.
(9) Betel leaves.
(10) Cashewnuts.
(11) Cummin (Jiru).
(12) Rai.
(13) Methi.
(14) Isabgul.

XI. Grass and fodder.

XII. Cattle Feed—
(1) Guwar.
(2) Punvad.]

The Gujarat Taluqdars' Act, 1888 (Bom. 6 of 1888), at pages 949–968 has been repealed by the Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. 62 of 1949), section 17, Schedule II.

THE BOMBAY VILLAGE SANITATION ACT, 1889.

CONTENTS.

PART I.

PRELIMINARY.

Sections.

1. Short title.
2. Extent.
3. Repeal of enactments.
4. Definitions.
5. Operation of Parts II, III and IV.
6. Part II how to be extended to a village.
7. Part III how to be extended to a village.

PART II.

SANITARY COMMITTEES.

8. Each village to have a Sanitary Committee.
9. Record of Committee's proceedings.
10. Magistrates having jurisdiction in the village may take part in Committee's proceedings.
11. Sanitary Committee to make village rules.
12. Provisions concerning the making of rules.
13. Prosecution of offenders against the rules.
14. Cognizance by the Committee of offences against the rules.
15. Appeals against the Committee's decisions.
16. Sanitary Committee may authorize expenditure for necessary works or measures.
17. Sanitary Committee may levy a rate on open air stalls.
18. Necessary moneys for expenditure may be raised by voluntary subscription or by a rate on the inhabitants.
18A. Sanitary Committee to prepare annually a statement of income and expenditure.

PART III.

SANITARY BOARDS.

19. Constitution of Sanitary Boards.
20. Sanitary Board may make rules.
21. Appointment of Sanitary Inspector and other officers.
22. Duties of the Sanitary Inspector.
23. Prosecutions at instance of the Board for breaches of rules.
24. Cognizance by the Board of offences against the rules.
25. Sanitary Board's orders by whom to be carried out.
26. [*Repealed.*]
27. Works and buildings which may be provided by a Sanitary Board.
28. Sanitary Board may raise funds by voluntary subscription.
29. Purposes for which expenditure is to be incurred by Sanitary Board.
30. Sanitary Board's ways and means.

PART IV.

GENERAL PROVISIONS.

Sections

30A. Incorporation of Sanitary Committees and Sanitary Boards.
30B. Power to acquire, hold and transfer property;
Property vested in Sanitary Committee or Sanitary Board.
30C. Mode of executing contracts.
30D. Sanitary Committee or Sanitary Board fund.
30E. Property and funds of Sanitary Committee or Sanitary Board how to be applied.
30F. Power to deposit and invest surplus funds.
30G. Vesting of property and rights of a Sanitary Committee or Sanitary Board ceasing to exist or to have jurisdiction.
31. Certain Government officers to advise Sanitary Committees and Boards.
32. Removal from office of members, etc., of Sanitary Committees and Boards.
33. Filling up of vacancies.
34. Questions to be decided by majorities.
35. Signing of summonses, etc.
36. Punishment for breach of rules made under this Act.
37. Order for levy of fines.
38. Levy of fines and rates.
39. Repealed.
40. Contributions and loans from local boards.
41. Execution of works in which two or more Sanitary Committees or Boards are jointly interested
Recovery of cost of such works.
Abandonment of a work proposed to be undertaken by a Sanitary Committee or Board in favour of a work to be undertaken by a Local Board.
Local Boards may call for information in such cases.
42. Certain village-servants to be placed under command of Sanitary Committee or Board.
43. Determination and recovery of duties of village-servants placed under command of Sanitary Committee or Board.
44. Collector's functions under this Act may be delegated.
45. Collectors, Magistrates and other public servants subject to usual control in the exercise of their authority.
46. Indemnity of persons acting in good faith under this Act.

SCHEDULE.

BOMBAY ACT No. I OF 1889.[1]

[THE BOMBAY VILLAGE SANITATION ACT, 1889.]

[23rd May 1890]

Amended by Bom. 3 of 1915.
Amended and repealed in part by Bom. 25 of 1931.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 53 of 1949.
„ „ „ 8 of 1950.
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 23 of 1951.

WHEREAS, for the purpose of improving the sanitary condition of villages in the Presidency of Bombay, it is expedient to provide for the constitution of Sanitary Committees and Boards having authority over such villages ; It is enacted as follows :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Bombay Village Sanitation Act, 1889.

Extent.

XIV of 1874.

2. It is applicable to the whole of the Presidency of Bombay, except [2][Greater Bombay], [3]* * * * and [4]the [5]scheduled district of the Mehwassi Chiefs' villages, as defined in the [6]Scheduled Districts Act, 1874.

Repeal of enactments.

3. During such time as Part II or Part III and the rules made thereunder shall be in force in any village, the enactments mentioned in the Schedule shall, to the extent specified in the third column of the Schedule, cease to have any operation in the said village.

Definitions.

4. In this Act, unless there be something repugnant in the subject or context—

Bom. V of 1879.

(*a*) " village " means the site of a village or town, determined for the time being as under section 126 of the Bombay Land Revenue Code, 1879, together with the area included within a distance of a quarter of a mile from any part of such site, in so far as such site or area is not included within a permanent municipal district or a military cantonment ;

---

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1889. Part V, p. 9 ; for Report of the Select Committee, *see ibid*, 1889, p. 34 ; and for Proceedings in Council, *see ibid*, 1880, pp. 12 and 46.

[2] These words were substituted for the original by Bom. 8 of 1950, ss. 5 and 11.

[3] The words " Aden and its dependencies, Perim " were omitted by the Adaptation of Indian Laws Order in Council.

[4] The Act has been applied to the Mehwassi Chiefs Villages by Bombay Regulation No. 1 of 1940.

[5] That is the villages belonging to the following Mehwassi Chiefs :—
(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

[6] Central Acts.

(*b*) "prescribed" means prescribed by a rule made under this Act;

(*c*) "chavdi" means, in any village in which there is no chavdi, such place as the Collector directs shall be deemed to be the chavdi for the purposes of this Act.

Operation of Parts II, III and IV.

5. (*1*) Part II shall come into force in any village to which the Collector extends the same, under the power hereinafter conferred upon him in this behalf, from such date as the Collector shall direct, and shall continue in force, when so extended, until the [1][Commissioner] directs by notification in the [2][*Official Gazette*] that it shall cease to have operation in such village, or extends Part III to such village.

(*2*) Part III shall come into force in any village to which the [1][Commissioner] extends the same, under the power hereinafter conferred upon him in this behalf, from such date as is directed in this behalf by the [1][Commissioner], and shall continue in force, when so extended, until the [1][Commissioner] directs by notification in the [2][*Official Gazette*] that it shall cease to have operation in such village.

(*3*) Part IV shall have operation, as far as its provisions apply, in and in respect of every village in which either Part II or Part III is in force.

Part II how to be extended to a village.

6. (*1*) Subject to the control of the Commissioner and of [3][the [4][State] Government], the Collector may at any time extend Part II to any village in his district in which Part III is not in force.

(*2*) For the purpose of extending Part II to any such village, the Collector shall cause to be published by posting up copies thereof in conspicuous places in his own office and in the office of the Mamlatdar and of the Mahalkari within whose taluka or mahal the said village is situate and in the chavdi or some other publi buildings in the said village, a proclamation in the language of the district directing that, unless a proclamation be thereafter issued by him to the contrary, Part II shall extend to the said village on and from a date to be specified in the proclamation which shall not be less than two months after that on which the proclamation is posted up in the village, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to the Collector not later than one month before the said specified date, be received and considered.

(*3*) If, after considering any objections which may have been made as aforesaid, the Collector shall be of opinion that good cause exists for not extending Part II to the village or for not extending it thereto immediately he may, by proclamation published as aforesaid—

(*a*) cancel his previous proclamation; or

(*b*) suspend the extension of Part II to the said village for a specified period

(*4*) If the Collector suspends the extension of Part II to the village for a specified period, he may thereafter, by proclamation published as aforesaid—

(*c*) at any time abandon the proposed extension; or

(*d*) from time to time defer the extension for a further specified period.

---

[1] This word was substituted for the words "Governor in Council" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[4] The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Part III how to be extended to a village.

7. (*1*) The [1][Commissioner] may at any time extend Part III to any village in any part of the Presidency to which this act is applicable, whether Part II is at the time in force in such village or not. Such extension to a village where Part II is in force shall cause Part II to cease to operate therein.

(*2*) For the purpose of extending Part III to any such village, the [1][Commissioner] shall, by [2]notification in the [3][*Official Gazette*] direct that, unless a notification be thereafter issued by him to the contrary, Part III shall extend to the said village on and from a date to be specified in the notification, which shall not be less than three months from the date of the notification, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to [4][the Commissioner] or to the Collector, not later than one month before the said specified date, be received and considered.

(*3*) If, after considering any objections which may have been made as aforesaid, [5][the Commissioner] shall be of opinion that good cause exists for not extending Part III to the village or for not extending it thereto immediately, [6][he may,] by notification in the [3][*Official Gazette*], exercise the like powers with respect to the extension of the said Part as the Collector is authorised to exercise, with respect to Part II by sub-sections (*3*) and (*4*) of section 6.

(*4*) Translations in the language of the district of every notification issued by [5][the Commissioner] under this section shall be published by the Collector, without delay, in the manner prescribed in sub-section (*2*) of section 6 for the publication of a proclamation issued by himself.

PART II.

SANITARY COMMITTEES.

Each village to have a Sanitary Committee.

8. (*1*) There shall be a Sanitary Committee in every village to which this Part is extended. The said Committee shall consist of three or more adult house-holders, residents of the village, chosen, with their own consent, by the Collector, of whom the police patel shall be one, unless the Collector for reasons recorded in writing in any particular case determines otherwise. For the purpose of aiding him in his choice, the Collector may, in his discretion, procure the nomination or election, by the house-holders of the village, of qualified persons, in such mode as he shall deem expedient.

(*2*) The chairman of the said Committee shall be nominated by the Collector.

(*3*) The chairman and other members of the Committee shall hold office for the prescribed period.

---

[1] This word was substituted for the words "Governor in Council" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] For notification extending Part III of the Act to certain villages and talukas, *see* Bombay Local Rules and Orders.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[4] These words were substituted for the words "a Secretary to Government" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[5] These words were substituted for the word "Government", *ibid.*

[6] These words were substituted for the words "it may", *ibid.*

Record of Committee's proceedings.

9. The proceedings of the Sanitary Committee shall be recorded in the prescribed manner (or, until rules are made under section 11, in such manner as the Collector by written order directs), by the village-accountant or such other person as the Collector appoints in this behalf, and, in the absence of the village-accountant or person so appointed, by such other person as the Committee may employ for this purpose; and the said record shall be verified by the signature of the chairman or of some other member of the Committee authorized by the Committee in that behalf, below each day's proceedings.

Magistrates having jurisdiction in the village may take part in Committee's proceedings.

10. Every Magistrate having jurisdiction in the village may take part in the proceedings of the Committee at any meeting thereof at which he is present, and such Magistrate or, if there be more than one, the highest in magisterial rank of such Magistrates shall for this purpose be deemed to be a member and president of the Committee for the occasion.

Sanitary Committee to make village rules.

11. The Sanitary Committee may from time to time make rules, and repeal or vary the same, with the approval of the Collector—

(*a*) for regulating the terms of office of its members and its proceedings;

(*b*) for determining the manner in which its proceedings shall be recorded;

(*c*) for procuring and preserving for the use of the village an adequate supply of pure potable water;

(*d*) for the cleansing of the streets and open spaces of the village;

(*e*) for preventing accumulations of offensive and noxious matter in the village;

(*f*) for preventing nuisances and indecent or insanitary acts or omissions in the village; and

(*g*) generally for giving effect in the village to the purposes of this Act.

Provisions concerning the making of rules.

12. (*1*) For not less than three months before any rule which it is proposed to make under section 11 is to come into force, the Committee shall exhibit a copy thereof at the chavdi or some other public building in the village, and there shall be affixed to such copy a notice that objections thereto made in writing to the Collector not later than one month before the date fixed for their coming into force—which date shall be specified—will be received and considered.

(*2*) Any objections so made shall be considered by the Collector, in [1][consultation] with the Committee. If, on such consideration, it shall seem desirable to alter or withdraw the proposed rule, such alteration or withdrawal shall be effected by a notice exhibited as aforesaid. If the Collector deems it expedient to suspend the operation of a rule, it may be suspended for a specified period by a notice exhibited as aforesaid, which shall state that objections thereto, made as aforesaid not later than one month before the expiry of the said period, will be received and considered. Any objection so made shall be considered as aforesaid, and, if it then seems desirable to alter or withdraw the rule, the same shall be notified as aforesaid.

---

[1] The word " consultation " was substituted for the word " conference " by Bom. 25 of 1931, s. 2.

(*3*) Subject to the provisions of sub-section (*2*), every rule made by the Committee, with the approval of the Collector and notified as aforesaid, shall come into force on the day notified in this behalf.

Prosecution of offenders against the rules.

13. Whenever it shall come to the notice or knowledge of the Sanitary Committee that any person in the village has apparently committed or is accused of having committed a breach of any rule madeby the Committee under section 11, such Committee may, by notice in writing require such person's attendance before the Committee.

Cognizance by the Committee of offences against the rules.

14. (*1*) All offences against the rules made by the Committee under section 11 shall be cognizable by the Committee.

(*2*) For the purpose of exercising this jurisdiction, the Committee shall assemble as often as shall be necessary or as the Magistrate of the district shall direct at the chavdi or some other convenient place within the village or near thereto.

(*3*) The Committee shall, in the presence of the accused person, or if notwithstanding the service of a notice upon the said person as aforesaid he fails to appear, then in his absence, take evidence as to the alleged offence and any evidence produced by the said person in his defence, and shall thereupon either acquit or convict the accused person and, if he is convicted, may sentence him to such punishment authorised by this Act or by the rules as it thinks reasonable.

Appeals against the Committee's decisions.

15. (*1*) A person convicted by the Committee may, at any time within ten days after sentence is passed against him, appeal to the Magistrate of the district [1][or any Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court.]

(*2*) If such person gives notice of his intention to appeal and deposits with an officer appointed by the Magistrate of the district in this behalf the amount of the fine inflicted upon him, execution of the sentence shall be suspended until the lapse of 10 days from the date of the sentence, or, if an appeal is made, until it is disposed of. If within ten days no appeal is made, the sum deposited shall be appropriated to payment of the fine inflicted.

(*3*) The Magistrate who hears the appeal may confirm, reverse or modify the decision of the Sanitary Committee and may pass any order as to punishment which it was competent to the Committee to pass. His order shall be enforced in like manner as one made by the Sanitary Committee.

(*4*) The said Magistrate may suspend execution of the sentence pending disposal of the appeal when such suspension shall appear to him necessary or expedient, on such terms as shall seem reasonable.

Sanitary Committee may authorize expenditure for necessary works or measures.

16. For the purpose of providing for the village an adequate supply of pure potable water, of cleansing the streets and open spaces thereof, of removing offensive and noxious matter therefrom and for other purposes conducive to the health and comfort of the inhabitants of the village, the Sanitary Committee may utilize, as far as available, the voluntary labour of inhabitants of the village and the services of village servants placed at its command under section 42;

---

[1] These words were substituted for the words beginning with the words "or other" and ending with the words "in this behalf" by Bom. 23 of 1951, s. 2, Schedule—Pt. III.

and, when these means are insufficient, may from time to time, [1][employ such servants and authorize such expenditure as may be necessary for the purpose aforesaid.]

Sanitary Committee may levy a rate on open air stalls.

[2][**17.** The Sanitary Committee may levy a rate on open air stalls in the village and the amount so recovered shall form part of the Sanitary Committee fund under section 30D.]

Necessary moneys for expenditure may be raised by voluntary subscription or by a rate on the inhabitants.

[3][**18.** Any sum of money of which the expenditure is authorised by the Sanitary Committee may be raised by voluntary subscription or levied under section 17 or may be recovered by a rate fixed with the approval of the Collector and assessed by the Sanitary Committee on the inhabitants of the village if the same is not available from any other source :

Provided that—

(*1*) the aggregate amount to be recovered by such rate from the inhabitants of any village in any year shall not except with the permission of the Collector (for reasons to be recorded by him) exceed one half of the aggregate amount leviable in that year as local fund cess from such village ;

(*2*) the amount assessed on any inhabitant of such village shall be subject to appeal to the Collector within thirty days of the said inhabitant being notified thereof and the Collector's decision shall be final.]

Sanitary Committee to prepare annually a statement of income and expenditure.

[4][**18A.** The Sanitary Committee shall prepare annually a budget statement showing the estimated income and expenditure for the next year and submit it before the end of January to the Collector for approval. Such budget shall be approved with or without modifications by the Collector before the end of March. The Sanitary Committee may incur expenditure within the budget so approved, but if any further expenditure not included in the budget is required, the previous sanction of the Collector shall be obtained thereto by the Committee.]

PART III.

SANITARY BOARDS.

Constitution of Sanitary Boards.

[5][**19.** (*1*) There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as the Collector may direct. Each such board shall consist of such number of members not less than seven as may be determined by the Collector, of whom not less than two-thirds shall be elected : provided that there shall be one elected member for every fifty houses within the area of the Board's authority. The remaining members (to be called 'nominated members') shall be appointed by the Collector and shall ordinarily include police patels.

(*2*) No person may be a member of the Board who is less than 21 years of age and who does not possess the qualifications of an elector.

---

[1] These words were substituted for the words "with the approval of the Collector, employ such servants, enter into such contracts, make such deductions and allowances from any rate leviable under its authority, and may authorise the expenditure by the Collector or under his control, of such sums of money as shall be necessary and reasonable, for the purpose aforesaid " by Bom. 25 of 1931, s. 3.

[2] Section 17 was substituted for the original section, *ibid*, s. 4.

[3] Section 18 was substituted for the original section, *ibid*, s. 5.

[4] Section 18A was inserted, *ibid*, s. 5A.

[5] Section 19 was substituted for the original section, *ibid*., s. 6.

(*3*) Every person, whether male or female, not being less than 18 years of age and being resident within the area which is to be subject to the Board's authority and occupying as owner or part owner or tenant or sub tenant a building or other immovable property therein and not otherwise disqualified under the rules made by the Collector in this behalf, shall be entitled to vote at an election of the Board.

(*4*) The election shall take place at a meeting to be convened for this purpose by the Mamlatdar on such date and at such time and place within the area concerned as he may fix in this behalf. A notice of such meeting together with a list of persons eligible to vote at it shall be posted at the chavdi at least fifteen days before the date of the election.

(*5*) The election shall be by show of hands, or, if the Collector so directs, by ballot. All questions relating to procedure for the election and the qualifications of electors shall be decided by the Mamlatdar in accordance with rules made in this behalf and his orders shall be subject to an appeal to the Collector, whose decision shall be final.

(*6*) The term of office of members of the Board shall be three years, but every member shall be eligible for re-election or re-nomination.

(*7*) The Board shall elect annually one of themselves to be the president:

Provided that he shall be removable from office as president for misconduct either by the vote of two-thirds of the whole number of members of the Board, subject to the approval of the Collector, or by the Collector as provided in section 32.

(*8*) Each meeting of the Board shall be presided over by the president. In the absence of the president a meeting of the Board shall be presided over by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(*9*) The procedure at a meeting of the Board shall be in accordance with the rules made by the Collector in this behalf.]

Sanitary Board may make rules.

20. The Sanitary Board may from time to time make rules, with the approval of the Collector, and, save as hereinafter provided, shall discharge functions and exercise authority for the area subject to its authority in respect of the same matters, in the same manner, and subject to like provisions, restrictions and conditions as are hereinbefore enacted in the case of a Sanitary Committee.

Appointment of Sanitary Inspector and other officers.

21. [1][(*1*) The Sanitary Board may, from time to time, with the sanction of the Collector appoint a Sanitary Inspector for any area or any part of the area subject to the authority of the Board and determine his salary. It may also with the like sanction dismiss or suspend him.]

(*2*) Such Sanitary Inspector may be a person employed by the Taluka or District Local Board having authority at the place. He may be employed by or on behalf of two or more Sanitary Boards.

[2][(*3*) The Sanitary Board may, in addition to the Sanitary Inspector, appoint such other subordinates as shall appear necessary and determine the amount of the salary to be paid to each. It may also dismiss or suspend the said subordinates.]

---

[1] Sub-section (*1*) was substituted for the original sub-section by Bom. 25 of 1931, s. 7 (*1*).

[2] Sub-section (*3*) was added, *ibid.*, s. 7 (*2*).

Duties of the Sanitary Inspector.

22. (*1*) The Sanitary Inspector shall take measures for preventing breaches of the rules in force in the area for which he is appointed, by, from time to time—

(*a*) posting up and otherwise publishing a general admonition respecting the observance of the said rules; or

(*b*) admonishing any person whom he finds offending against any of the said rules; or

(*c*) summoning to appear before the Sanitary Board any person who, from his own observation or from reports made to him by his subordinates, he has reason to think, should be prosecuted for offending against any of the said rules.

(*2*) The Sanitary Inspector shall make such reports and be in such relation to the Sanitary Commissioner, consistent with the duties and obligations imposed on him by this Act or arising out of his position as a servant of a Local or Sanitary Board, as [1][the Provincial Government] may prescribe.

Prosecutions at instance of the Board for breaches of rules.

23. The Board may also by notice in writing require the attendance before the Board of any person who is accused of having committed, or who, to the knowledge of the Board, has apparently committed, a breach of any rule made by the Board under section 20.

Cognizance by the Board of offences against the rules.

24. (*1*) All offences against the rules made by the Board under section 20 shall be cognizable by the Board, who, for the purpose of exercising this jurisdiction, shall assemble, as often as shall be necessary or as the Magistrate of the district shall direct, at some convenient place within or near to the area subject to its authority.

(*2*) The provisions of sub-section (*3*) of section 14 and of section 15 shall apply as nearly as may be, to the hearing and decision of cases under this section by a Sanitary Board and to appeals by persons convicted by such Board.

Sanitary Board's orders by whom to be carried out.

25. (*1*) The orders of every Sanitary Board shall be carried out and its orders and proceedings shall be recorded in the prescribed manner and preserved by such member of the Board or by such officer of the Board or by such other officer as the Collector may from time to time nominate in this behalf.

(*2*) The person authorised in this behalf shall be bound to keep a true record of the Board's proceedings and orders, under his signature, and truly to prepare all summonses, notices and orders issuing by direction of the Board or of any member thereof in accordance with this Act or with rules made under section 20.

Works and buildings which may be provided by a Sanitary Board.

26. [*Sanitary Board may enter into certain contracts.*] *Repealed by Bom. 25* of *1931*, *s. 8.*

27. Every Sanitary Board may, [2]* * * * * * * cause to be constructed such works and buildings as shall be necessary for providing for the area subject to its authority or any part thereof—

(*a*) an adequate supply of water;

(*b*) proper and convenient places for the temporary deposit or final disposal of sweepings, dust, ashes, refuse, rubbish, carcasses of dead animals and other offensive or noxious matter;

(*c*) means for conveying away or removing the several matters and things specified in clause (*b*).

---

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "with the approval of the Collector" were repealed by Bom. 25 of 1931, s. 9.

Sanitary Board may raise funds by voluntary subscription.

[1][28. The Sanitary Board may, by voluntary subscription, raise any sum of money for any of the purposes of the Board under this Act. Such sum shall form part of the Sanitary Board fund under section 30D and shall be expended by the Sanitary Board within the area subject to its authority and for the purposes of this Act.]

Purposes for which expenditure is to be incurred by Sanitary Board.

29. Every Sanitary Board shall be bound to provide for, or authorize the expenditure necessary for—

(*a*) paying the salaries of the Sanitary Inspector and other officers, if any, appointed under section 21; and

(*b*) providing stationery and other requisites for the use of the Board and of the said Sanitary Inspector and other officers, if any; and

(*c*) fulfilling any contract entered into by it under section [2][30C]; and

(*d*) constructing necessary works and buildings under section 27.

Sanitary Board's ways and means.

[3][30. (*1*) A debit and credit account shall be kept by the Sanitary Board in such form as may be prescribed by the Collector. To the debit of such account shall be placed all expenditure authorizedly incurred under the provisions of this Act. To its credit shall be placed all sums raised by voluntary subscription under section 28, all sums realized from any other source for meeting the Board's expenditure, and the net proceeds of any rate assessed as hereinafter provided.

(*2*) The Board shall also prepare and submit to the district local board annual returns of its accounts on or before such date and in such form as may be prescribed by the Collector.

(*3*) For the purpose of raising any money required for expenditure by a Sanitary Board under the Act, the Board may, subject to rules made in this behalf, by the Collector, fix and assess a rate on the inhabitants of the area or of any part of the area subject to its authority:

Provided that—

(*1*) the aggregate amount to be so recovered in any year from the inhabitants of any area subject to its authority shall not, except with the permission of the Collector (for reasons to be recorded by him), exceed one-half of the aggregate amount leviable in that year as local fund cess from the inhabitants of such area;

(*2*) the amount assessed on any inhabitant of such area shall be subject to appeal to the Collector within thirty days of the said inhabitant being notified thereof and the Collector's decision shall be final.]

PART IV.

GENERAL PROVISIONS.

Incorporation of Sanitary Committees and Sanitary Boards.

[4][30A. Every Sanitary Committee and every Sanitary Board shall be a body corporate by the name of 'The Sanitary Committee of........................' or 'The Sanitary Board of........................' as the case may be, and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.]

---

[1] Section 28 was substituted for the original section by Bom. 25 of 1931, s. 10.

[2] The figures and letter "30C" were substituted for figures "26", *ibid.*, s. 11.

[3] Section 30 was substituted for the original section *ibid.*, s. 12.

[4] Section 30A, 30B, 30C, 30D, 30E, 30F and 30G were inserted, *ibid.*, s. 13.

Power to acquire, hold and transfer property.

[1][**30B.** (*1*) A Sanitary Committee or a Sanitary Board may acquire and hold property, both moveable and immovable, whether within or without the limits of the village or villages subject to its authority.

Property vested in Sanitary Committee or Sanitary Board.

(*2*) All property of the nature hereinafter in this sub-section specified may be transferred to or vested in the Committee or the Board exercising authority in the village in which such property is situate, either by [2][the Provincial Government] or by an officer appointed by [2][the Provincial Government] in this behalf or by the district or taluka local board to which it belongs or in which it vests; and on such transfer the said property shall be deemed always to have so vested and shall, together with all other property, of what nature or kind soever acquired by it and every work constructed by it at its own cost, be under the direction, management and control of the said Committee or Board and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act; that is to say—

(*a*) public markets, slaughter-houses, manure and night-soil depots, places used by the public for the purposes of erecting temporary stalls or generally for the purpose of carrying on any trade or business, and all public buildings of every description;

(*b*) public streams, springs, pools, tanks, ponds, wells, cisterns, reservoirs, aqueducts, conduits, pipes, pumps and all other water works for the supply storage or distribution of water for public purposes, and all buildings, bridges, engines, works, materials and things connected with or appertaining to such water works;

(*c*) public sewers, drains, cess-pools, incinerators, water-courses, culverts, tunnels and all works, materials and things appertaining thereto;

(*d*) public bathing ghats and recreation grounds;

(*e*) public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(*f*) public streets and the pavements, stones and other materials thereof, and all trees erections, implements, and things existing on or appertaining to such streets; and

(*g*) land or other property transferred to the Committee [3][or] the Board by gift, purchase or otherwise for local public purposes.]

Mode of executing contracts.

[1][**30C.** (*1*) Subject to the provisions of this Act every Sanitary Committee and every Sanitary Board shall be competent by a resolution duly recorded to lease, sell or otherwise transfer any moveable or immovable property which may, for the purposes of this Act, have become vested in or been acquired by it; and, so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts and do all such other things as it may consider necessary for the purposes of this Act:

Provided that no contract involving an expenditure exceeding one hundred rupees or purchase of immovable property (involving similar expenditure) shall be made without the previous sanction of the Collector:

Provided further that in the case of every lease of immovable property, for a term exceeding three years, and of every sale or other transfer of such property, the previous sanction of the Collector is required.

---

[1] Sections 30A, 30B, 30C, 30D, 30E, 30F and 30G were inserted by Bom. 25 of 1931, s. 13.

[2] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[3] The word 'or' was substituted for the word 'of' by Bom. 53 of 1949, s. 3, Second Schedule.

(*2*) Every contract which under the law for the time being in force is required to be in writing shall be signed, in the case of a Committee, by the chairman, or, in the case of a Board, by the President, and shall be sealed with the common seal of the Committee or Board.]

Sanitary Committee or Sanitary Board fund

[1][**30D.** All moneys received by or on behalf of a Sanitary Committee or a Sanitary Board by virtue of this or any other Act; all rates, fines, fees and penalties paid to or levied by it or on its behalf under this Act; all proceeds of land or other property sold by a Sanitary Committee or a Sanitary Board and all rents accruing from its land or other property; and all interest, profits and other moneys accruing by gifts or transfers from [2][any Government] or private individuals or otherwise, shall constitute the Sanitary Committee or Sanitary Board fund and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act.]

Property and funds of Sanitary Committee or Sanitary Board how to be applied.

[1][**30E.** All property vested in a Sanitary Committee or a Sanitary Board under this Act, and all funds received by it or on its behalf in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be held and applied, subject to the provisions and for the purposes of this Act, within the limits of the area for which the Sanitary Committee or Sanitary Board is constituted:

Provided that it shall be lawful for a Sanitary Committee or a Sanitary Board, with the sanction of the Collector, to incur expenditure beyond the said limits, for the construction, maintenance or repairs of works for the benefit of the persons residing within the said limits:

Provided further that it shall be lawful for the Sanitary Committee or Sanitary Board, with the like sanction, out of any unappropriated balance of money standing to its credit, to make such contribution on such terms as it shall deem expedient to the cost of any work under construction by a local board in fulfilment of the duties imposed on it by section 50 of the Bombay Local Boards Act, 1923.]

Bom. VI of 1923.

Power to deposit and invest surplus funds.

[1][**30F.** (*1*) It shall be lawful for a Sanitary Committee or a Sanitary Board to deposit with such bank as may be approved by the Collector any surplus funds in its hands which may not be required for current charges, and to invest such funds in public securities as defined in clause (18) of section 3 of the Bombay District Municipal Act, 1901, in the name of the Sanitary Committee or Sanitary Board, and, from time to time, to dispose of such securities as may be necessary.

Bom. III of 1901.

(*2*) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (*1*), be deposited in the Local Government treasury or in such other place of security as may be sanctioned for this purpose in the rules of the Sanitary Committee or Sanitary Board.]

Vesting of property and rights of a Sanitary Committee or Sanitary Board ceasing to exist or to have jurisdiction.

[1][**30G.** When a Sanitary Committee or a Sanitary Board ceases to exist or to have jurisdiction over any area subject to its authority the property and rights vested in such Committee or Board under this Act shall, subject to all charges and liabilities affecting the same, vest in the taluka local board of the taluka in which the area over which such Committee or Board ceases to have jurisdiction is situate:

---

[1] Sections 30A, 30B, 30C, 30D, 30E, 30F and 30G were inserted by Bom. 25 of 1931, s. 13.

[2] The words "any Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

Provided that such property as may have been transferred to or vested in such Committee or Board either by [1][the [2][State] Government] or by the district local board shall, on such cessation, revert to the [3][[4][the State Government]] or the district local board, as the case may be.]

Certain Government officers to advise Sanitary Committees and Boards.

31. The Executive Engineer of the district and any subordinate of the Executive Engineer, of the Sanitary Commissioner or of a Local Board, having authority at the place whom the Collector may appoint generally or specially in this behalf shall have, in relation to a Sanitary Committee or Board, such rights and duties as are assigned to certain officers in relation to Local Boards by [5][sub-section (*1*) of section 40 of the Bombay Local Boards Act, 1923.]

Bom. VI of 1923.

Removal from office of members, etc., of Sanitary Committees and Boards.

32. The Collector [6][after giving the person concerned an opportunity of being heard and after recording his reasons may], remove from office any member or chairman of a Sanitary Committee and with the sanction of [7][the Commissioner], any member, or president of a Sanitary Board, who appears to be incompetent or who has been guilty of any misconduct or neglect of duty which appears to render his removal expedient.

Filling up of vacancies.

33. (*1*) Whenever for any reason a vacancy occurs or is about to occur in the office of a member or chairman of a Sanitary Committee, or of a member or president of a Sanitary Board, the Collector shall without delay appoint a person to fill such vacancy.

(*2*) During any such vacancy the continuing members of a Sanitary Committee or Board may act as if no vacancy had occurred.

Questions to be decided by majorities.

34. Every question which comes before a Sanitary Committee or Board for decision shall be decided by a majority of votes of the members present and voting at a prescribed meeting of such committee or board or at a meeting thereof assembled by direction of the Collector or otherwise after notice duly issued to all the members, the member who presides having a second or casting vote when there is an equality of votes.

Signing of summonses, etc.

35. Summonses, notices and orders issued by a Sanitary Committee or Board or with its authority may be signed on behalf of the committee or board by the member presiding at any meeting of such committee or board

Punishment for breach of rules made under this Act.

36. A breach of any rule made by a Sanitary Committee or Board under this Act in respect of any matter other than the matters specified in clauses (*a*) and (*b*) of section 11 shall be punishable, unless in any case a smaller maximum punishment is prescribed by the said rules, with fine which may extend to ten rupees, and in default with confinement in the chavdi for a period which may extend to forty-eight hours, and, in the case of a continuing breach, with fine which may extend to two rupees for every day after conviction for the first breach or after receipt of notice from the committee or board or from the Sanitary Inspector, to discontinue the breach, during which the breach continues and, in default, with confinement as aforesaid.

---

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] The words "Crown for the purposes of the Province" were substituted for the word "Government", by the Adaptation of Indian Laws Order in Council.

[4] These words were substituted for the words "Crown for the purposes of the Province", by the Adaptation of Laws Order, 1950.

[5] The words, figures and brackets "sub-section (*1*) of section 40 of the Bombay Local Boards Act 1923" were substituted for the words and figures "the first paragraph of section 33 of Bombay Act I of 1884" by Bom. 25 of 1931, s. 14.

[6] These words were substituted for the words "may, after recording his reasons for the same" *ibid.*, s. 14A.

[7] These words were substituted for the word "Government" by the Bombay Decentralization Act 915 (Bom. 3 of 1915).

Order for levy of fines.

37. (*1*) A Sanitary Committee or Board may allow to a person sentenced to pay a fine such time not exceeding four days as it may think proper for payment of the fine on such terms as to secuity as it shall seem to the committee or board necessary to impose.

(*2*) Whenever default is made in the payment of a fine, the Sanitary Committee or Board which passed the sentence, or on appeal from whose decision the sentence was passed, may in its discretion by written order direct the levy of the amount, although the sentence directs that, in default of payment of the fine, the offender shall be confined and the offender is or has been confined.

Levy of fines and rates.

38. All fines for the levy of which an order has been issued as aforesaid, all sums assessed on account of any rate under this Act, which are not paid after reasonable notice, shall be leviable by the patel or by such other person as the Collector or the Sanitary Committee or Board, with the Collector's sanction, appoints in that behalf, by distress and sale of any moveable property of the person liable therefor, subject to such exceptions as are enacted in the [1]Code of Civil Procedure in respect of the sale of moveable property in execution of decrees. XIV of 1882.

39. [*Net proceeds of fines to be credited to account of Committee or Board having authority over the villages in which offences are committed.*] *Repealed by Bom. 25 of 1931, s. 15.*

Contributions and loans from local boards.

40. (*1*) Any District or Taluka Local Board may from time to time assign, by way of donation or loan, to the Sanitary Committee or Board of any village or group of villages in the area subject to its authority, for expenditure on any purpose contemplated by this Act, such sum out of the portion of the local fund at its disposal as it shall think proper.

[2]* * * * * * * *

[3](*2*) But no sum shall be so assigned by way of loan, without the sanction of the Collector, and every sum assigned by way of loan with such sanction shall be recoverable by the Collector in such instalments of interest and of principal as shall be agreed upon between the parties, by a rate charged and assessed [4][with the approval of the Collector by] the Sanitary Committee or Board, upon the inhabitants of the area subject to the authority of such Committee or Board.

Execution of works in which two or more Sanitary Committees or Boards are jointly interested.

41. (*1*) Works for the supply of water or for the drainage of two or more villages subject to the authority of different Sanitary Committees or Boards and any other work or measure conducive to the common health or comfort of two or more such villages may, upon request made, with the approval of the Collector, by all such

---

[1] *See* now Act 5 of 1908.

[2] Sub-section (*2*) was repealed by Bom. 25 of 1931, s. 16 (*1*).

[3] Sub-section (*3*) was re-numbered as sub-section (*2*), *ibid.*, s. 16 (*2*).

[4] These words were substituted for the words " by the Collector, in conference with ", *ibid.*

Committees and Boards or by a majority of them, be executed by or under the direction of the Collector or of such other officer as [1][the Commissioner may appoint] in this behalf.

Recovery of cost of such works.

(*2*) The cost of any such work or measure shall be divided between the several Committees and Boards in such proportions as shall be agreed upon by them, or, in default of such agreement, as the Collector shall determine; and shall be recoverable in the said proportions by a rate charged and assessed [2][with the approval of the Collector by] each Committee and Board, upon the inhabitants of the areas subject respectively to the said Committee's and Board's authority: subject to the same limit as is provided by section 18, clause (*2*), in respect of rates charged under section 18, clause (*1*).

Abandonment of a work proposed to be undertaken by a Sanitary Committee or Board in favour of a work to be undertaken by a Local Board.

(*3*) Where any work undertaken or proposed by a Committee or Board constituted under this Act shall be such as to interfere with or materially affect any work undertaken or proposed by a District or Taluka Local Board, such latter Board may require the Sanitary Committee or Board to desist from such work as aforesaid and it shall thereupon be the duty of the District or Taluka Local Board to make reasonable provision, within reasonable time, for supplying to the area under the authority of the Sanitary Committee or Board such means of health, cleanliness and decency, or means equivalent thereto, as would have been furnished by the work abandoned in consequence of such requisition as aforesaid.

Local Boards may call for information in such cases.

(*4*) For the purpose of obtaining information as to any work intended or in course of construction, to which the provisions of the preceding clause may apply, it shall be lawful for the Taluka or District Local Board to call for such report from the Sanitary Committee or Board, through the Collector, as shall be necessary and reasonable, and to cause such inspection and report to be made by any person in its employment, as it shall deem necessary in this behalf, and it shall be the duty of the Sanitary Committee or Board concerned to comply with such requisition and to give reasonable aid and furtherance to any inspection ordered as aforesaid.

Certain village servants to be placed under command of Sanitary Committee or Board.

42. Village-servants who hold land, profits of land or other emoluments by way of remuneration, wholly or partly, for services consisting in or connected with cleansing or conservancy may, as to such services, be placed by the Collector, subject to the control of [3][the Commissioner], under the command and superintendence of the Sanitary Committee or Board having authority in the place in respect of which the said services are due, and shall be bound to fulfil all reasonable orders of the said Committee or Board under such reasonable penalties as may be provided in any rule made under this Act.

Determination and recovery of duties of village-servants placed under command of Sanitary Committee or Board.

43. (*1*) The Collector shall—

(*a*) determine all questions as to the amount of any payment at any time by custom or under any settlement mentioned in section 18, 19 or 20 of the Bombay Hereditary Offices Act due to a village servant placed under the command of a Sanitary Committee or Board under the last preceding section; and

Bom. III of 1874.

---

[1] These words were substituted for the words " Government appoints " by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] These words were substituted for the words " by the Collector, in conference with " by Bom. 25 of 1931, s. 17.

[3] These words were substituted for the word " Government " by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

(*b*) if necessary, cause the amount which he determines to be due or the money value thereof at the market rate of the time being, if the due is payable in kind to be recovered on behalf of the village servant entitled thereto, free of charge, as if the same were an arrear of land revenue:

(*2*) Provided that the Collector may decline to cause such recovery to be made on behalf of any servant, if, in his opinion, the duty in respect of which the payment is due has not been duly performed by such servant.

Collector's functions under this Act may be delegated.

44. Any power conferred or duty imposed by this Act upon the Collector may, [1]* * * * * be [2]delegated by him to an Assistant or Deputy Collector.

Collectors, Magistrates and other public servants subject to usual control in the exercise of their authority.

45. In the discharge of the duties and the exercise of authority assigned to them by this Act, Collectors, Magistrates and other public servants shall be subject to the like control as in the discharge of their ordinary functions.

Indemnity of persons acting in good faith under this Act.

46. (*1*) No Magistrate, Collector, president or member of a Sanitary Committee or Board, or Sanitary Inspector shall be liable to any penalty or to payment of damages for any act by him done in good faith in pursuance or intended pursuance of any authority or duty conferred or imposed upon him by this Act.

(*2*) And no public servant or person duly authorised or appointed shall be liable as aforesaid for giving effect in good faith to any order or direction issued with apparent authority by a person empowered in that behalf under this Act or under any rule made hereunder.

SCHEDULE.

(*See* section 3.)

Number and year of enactment.	Subject or title.	Extent of repeal.
Bom. Act VII of 1867 ...	The Bombay District Police Act, 1867.	Sections 33 and 34.
Bom. Act VIII of 1867 ...	The Bombay Village Police Act, 1867.	Clauses 2, 3 and 4 (except the first two and the last thirteen words) and 5 of section 16.

---

[1] The words "with the sanction of Government," were omitted by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] For notification sanctioning the delegation of powers by Collectors, *see* Bombay Local Rules and Orders, and for notification delegating powers to Assistant and Deputy Collector under certain sections of the Act, *see* *Bombay Government Gazette*, 1902, Pt. I, p. 1153.

The Bombay District Police Act, 1890 (Bom. IV of 1890), at pages 987–1034 has been repealed by the Bombay Police Act, 1951 (Bom. XXII of 1951), section 167, Schedule I.

THE BOMBAY MUNICIPAL SERVANTS ACT, 1890.

CONTENTS.

Sections.

1. Short title.
   Commencement and extent.

2. Interpretation.
   Act to be read with Municipal Acts in force.

3. Conditions as to resignation, withdrawal and absence from specified duties.
   Neglect or breach of duty.
   Provisos.

4. Power to dispense with two months' notice or with services after tender of resignation.

5. Power of Provincial Government to add to schedule.

6. Copies of Act to be supplied at nominal price to employees.

SCHEDULE.

BOMBAY ACT No. V OF 1890.[1]

[THE BOMBAY MUNICIPAL SERVANTS ACT, 1890.]

[15th January 1891.]

Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 8 of 1950.
Adapted and modified by the Adaptation of Laws Order, 1950.

WHEREAS it is expedient to make better provision in [2][Greater Bombay] and elsewhere for the enforcement of regulations regarding certain classes of municipal servants whose functions intimately concern the public health or safety, and regarding the duties, withdrawal from duty, and leave of such servants; It is enacted as follows:—

Short title.

1. (*1*) This Act may be cited as the Bombay Municipal Servants Act.

Commencement and extent.

(*2*) It shall come into force in [2][Greater Bombay] at once.

(*3*) The [3][[4][State] Government] may, by [5]notification, extend all or any of its provisions, on and after a day not less than two months after the date of such notification, to any municipal district in the Bombay Presidency.

[6][It] may also cancel or vary such notification consistently with the provisions of this Act.

Interpretation.

2. (*1*) Unless there be something repugnant in the subject or context, all words used in this Act shall have respectively the meanings assigned to them in the [7]City of Bombay Municipal Act, 1888.

Bom. III of 1888.

Act to be read with Municipal Acts in force.

(*2*) This Act shall, in so far as it [8][affects Greater Bombay], be read with the [7]City of Bombay Municipal Act, 1888, and in so far as it affects any other part of the Presidency of Bombay, shall be read with the [9]Bombay District Municipal Acts, 1873 and 1884.

Bom. III of 1888.

Conditions as to resignation, withdrawal and absence from specified duties.

3. (*1*) Any municipal officer, servant or other person employed by, or on behalf of, the Corporation or a Municipality to perform any of the duties specified in the Schedule, who—

(*a*) without the written permission, in [2][Greater Bombay] of the Commissioner or a person by him deputed in that behalf, and elsewhere of the officer authorized by the Municipality to give such permission, resigns his office without at least two months' notice given in writing to the Commissioner or person by him deputed, or to such officer, or withdraws or absents himself from the duties thereof, except in case of illness or accident disqualifying him for the discharge of such duties or other reason accepted as sufficient by such Commissioner or person by him deputed, or such officer; or

Neglect or breach of duty.

(*b*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which as such municipal officer, servant or other person employed by, or on behalf of, the Corporation or a Municipality, it is his duty to observe or obey; or

---

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1890, Part V, p. 60; for Report of Select Committee, *see ibid*, 1890, p. 103; and for Proceedings in Council, *see ibid*, 1890, pp. 77, 109 and 127.

[2] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9, read with Bom. 8 of 1950.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[5] For notification extending the provisions of the Act to certain municipal districts, *see* Bombay Rules and Orders.

[6] The word "It" was substituted for the word "He" by the Adaptation of Indian Laws Order in Council.

[7] *Supra.*

[8] These words were substituted for the words "affects the City of Bombay" by Bom. 17 of 1945, s. 9, read with Bom. 8 of 1950.

[9] *See* now the Bombay District Municipal Act, 1901, which repealed those Acts.

(*c*) who abets an offence under clause (*a*) or clause (*b*);

shall be liable to forfeit his pay accruing due under a current term of service, and arrears of pay due for a term of not more than one month, and in addition to such forfeiture and any other penalty which may be imposed on him under any enactment or rule for the time being in force, shall be liable, on conviction, by a Magistrate, to imprisonment which may extend to three months or to fine, or to both imprisonment and fine:

Provisos.

Provided that if any such officer, servant or other person produces a certificate signed by the medical officer appointed in the City of Bombay by the Commissioner, and elsewhere by the Municipality in this behalf, of a present incapacity to perform his duties which will probably endure for a month or more, the necessary permission to resign shall forthwith be granted:

Provided further that no fee shall be taken from a person on account of such certificate as aforesaid or of examination in connection therewith.

(*2*) The provisions of clauses (*a*) and (*b*) of sub-section (*1*) shall not apply to persons at the date of the passing of this Act in the employment of the Corporation or of a Municipality until the lapse of two months from such date.

Power to dispense with two months' notice or with services after tender of resignation.

4. (*1*) The Commissioner or officer authorized by the Municipality under section 3 (*a*), may,—

(*a*) at his discretion, accept any resignation to take effect at a time less than two months from the date thereof, or

(*b*) at any time after any municipal officer, servant or other person employed as aforesaid, has tendered his resignation, dispense with the services of such officer, servant or person.

(*2*) Any such officer, servant or other person whose services are dispensed with under sub-section (*1*), clause (*b*), shall, subject to any agreement in writing previously made between him and the Corporation or Municipality or its representative, be entitled, in addition to any wages which he may have earned at the date of tendering his resignation, to fifteen days' wages or to wages for such period longer than fifteen days, as his services may, after such tender of resignation, have been retained by the officer authorized in that behalf.

Power of [2][State] Government to add to schedule.

5. (*1*) It shall be lawful for the [1][[2][State] Government] on the request of the Corporation or of a Municipality from time to time, by notification, to declare that from a date to be fixed therein, which shall not be less than two months from the date thereof, any specified class of duties which concern the public health or safety, shall be deemed to be included in the Schedule to this Act, and from the date fixed on that behalf in such notification the provisions of section 3 shall apply to all persons employed by, or on behalf of, the Corporation or a Municipality to perform any duty of the class so specified in such notification.

(*2*) The [1][[2][State] Government] may withdraw such notification and may from time to time cancel or vary the same consistently with the preceding clause and with the other provisions of this Act, and may also limit the operation of any notification to any Municipality or place wherein this Act is in operation.

---

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

6. Every person employed by, or on behalf of, the Corporation or a Municipality to perform any of the duties set forth in the Schedule, shall, on entering the service, and every person now so employed shall forthwith, receive gratis, and shall at any time thereafter, on payment of one anna, [1][be entitled to receive in Greater Bombay] from the Municipal Commissioner for the City of Bombay and elsewhere from the President of a municipality, a copy of this Act and of the notifications issued thereunder, applicable to such person or to the class to which he belongs, in the English, Marathi, Gujarathi, Canarese or Sindhi language.

Copies of Act to be supplied at nominal price to employees.

SCHEDULE.

(*Vide* section 3.)

Duties which render the provisions of section 3 applicable to the persons employed by, or on behalf of, the Corporation or a Municipality to perform them.

Class I.—Duties connected with the public health :

(*a*) scavenging or cleansing streets or premises,

(*b*) cleansing or flushing drains,

(*c*) removing or disposing of excrementitious or polluted matter from houses, latrines, privies, urinals, or cesspools,

(*d*) removing carcasses,

(*e*) preventing nuisances generally.

Class II.—Duties connected with the public safety :

Duties of—

(*a*) members of a fire-brigade,

(*b*) persons, however designated, employed on, or in connection with, the maintenance or service of any municipal water-works, drain, pumping station or fire hydrant, including—

(1) inspectors,
(2) sub-inspectors,
(3) foremen,
(4) mechanics,
(5) drivers,
(6) watchmen,
(7) labourers,
(8) workmen,

(*c*) lamp-lighters.

---

[1] These words were substituted for the words " be entitled to receive in the City of Bombay" by Bom. 17 of 1945, s. 9, read with Bom. 8 of 1950.